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ABSTRACT

This document presents testimony, policy statements, and recommendations on the educational needs of immigrant children at the elementary school through secondary school levels in New York City. An introduction describes the November, 1986, hearing at which parents, students, teachers, administrators, and members of community based organizations serving newly arrived families testified on the educational needs of immigrant children. A background section describes a court ruling, "Plyler v. Doe," and legislation, the Immigration Reform and Control Act, as well as excerpts of a New York City mayoral memorandum dated October 15, 1985. Another section describes areas of concern that the Chancellor's Advisory Committee on Immigrant Affairs has identified. Also described are other activities of an Immigrant Students Rights Project. Recommendations are presented that emerged from the hearing in 1986 and from subsequent work with students and families. A conclusion emphasizes the importance of addressing the needs of this population. The bulk of the document presents a representative sample of the testimony at the 1986 hearing including personal accounts, sociological contexts, problem areas, and resources and innovations. Also included are lists of hearing panel members and witnesses. Appendixes contain a 1988 Chancellor's memorandum, Regulations of the Chancellor, information on a training conference, a statement on students' rights of access, an announcement of a workshop on immigrant rights, testimony by Advocates for Children (AFC), a letter from AFC to college advisors, a letter from Mayor E. Koch, and a notice to the community about school access. (JB)

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W. Vornberger

IMMIGRANT CHILDREN:

CHALLENGES AND OPPORTUNITIES FOR OUR SCHOOLS

Advocates for Children of New York, Inc.

UD 028781

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IMMIGRANT CHILDREN:

CHALLENGES AND OPPORTUNITIES FOR OUR SCHOOLS

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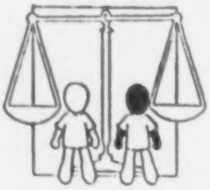
A drawing by an El Salvadoran child showing a happier time from Fire From the Sky, edited by William Vornberger who generously gave us permission to reprint material from that book.

ABOUT ADVOCATES FOR CHILDREN . . .

Since its beginnings almost 20 years ago, Advocates for Children of New York, Inc. (AFC), has been concerned about the denial of equal educational opportunity to thousands of children who attend the New York City public schools.

Our bilingual staff of lawyers, advocates, parent organizers and trainers have worked with children and their parents to insure that each child obtains a quality education. Each year, Advocates for Children represents over 2,000 children and their parents to help them remain in school and to work through the bureaucratic barriers facing them. We work with those who are homeless, have handicapping conditions, are non-English proficient, are having academic difficulties or school adjustment problems or are being excluded from school.



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THE IMMIGRANT STUDENTS RIGHTS PROJECT

INTRODUCTION

Several years ago, Advocates for Children of New York began to receive requests for assistance from a student population that we had not previously identified as a target group -- recently arrived immigrant children. While many of the school problems faced by these young people parallel the problems faced by other children, others are unique to them.

At about the same time, the National Coalition of Advocates for Students (NCAS), a national student advocacy group, began a study of the needs of immigrant children in the public schools. Their efforts were generously supported by grants from the Ford Foundation, The Hazen Foundation, American Baptist Ministries U.S.A. and the Atlantic Richfield Foundation. Advocates for Children, as a member of NCAS, participated in this study. Our first step was to hold a conference in November, 1986 at which parents, students, teachers, administrators and members of community based organizations serving newly arrived families presented testimony on the educational needs of immigrant children. It was the strength and intensity of this testimony (which is reproduced in this report) which served as the catalyst for Advocates for Children to undertake the Immigrant Students Rights Project, now in its second year. As with all our projects, the core of our work is assisting individual students and their families who encounter difficulties in school, including lack of bilingual education, scarcity of support services such as counseling and remediation, inappropriate academic placement and inappropriate referrals to or lack of special education programs.

The testimony presented at our hearing revealed serious and widespread systemic problems that need to be addressed by strategies beyond individual case advocacy. Those issues will be highlighted in the material which follows.

BACKGROUND

The United States Supreme Court ruling in Plyler v. Doe (1982) and the Immigration Reform and Control Act (1986) impacted significantly upon immigrant children and their families.

Plyler v. Doe

"In 1982, the Supreme Court ruled in Plyler v. Doe, 457 U.S. 202 (1982)*, that public schools were prohibited from denying immigrant students access to a public education from Kindergarten through grade 12 on the basis of their immigration status. More specifically, the Court found that undocumented children and young adults have the same right to attend free public primary and secondary schools as their U.S. citizen and permanent resident counterparts. As such, states and the public schools in each state are prohibited from enacting or adopting laws, regulations, or practices which deny or result in the denial of this right.

"In addition to their Plyler right of access, under state law, both documented and undocumented immigrant students are obligated, as are all other students, to attend primary and secondary schools until they reach a mandated age. Conversely, states are obligated to enforce these laws with regard to immigrant students, as with U.S. citizens and permanent residents.

"As such, public schools and public school personnel are prohibited under Plyler from adopting policies or taking any action to deny or which results in the denial of the right of access to resident immigrant students on the basis of their immigration status, and in particular, undocumented students on the basis of their undocumented status."

Immigrant Students: Their Legal Right of Access to Public Schools, *John Willshire Carrera, Esq.*

IRCA

The Immigration Reform and Control Act (IRCA) was signed into law on November 6, 1986. Under the law, certain undocumented persons were granted Amnesty or Legalization. It should be noted that under the law, only those persons residing in the U.S. before January 1, 1982 qualified for this Amnesty. The employer sanctions provision of the law also made it unlawful for the undocumented to work, except those who were employed prior to November 1986. (See page 42 in the Testimony section for a further explanation of IRCA.)

In addition, a 1985 Mayoral Memorandum clearly stated that undocumented aliens are entitled to many city services and should be encouraged to use them.

EXCERPTS OF A MAYORAL MEMORANDUM

TO: All Agency Heads
FROM: Edward I. Koch
DATE: October 15, 1985
SUBJECT: City Policy on Undocumented Aliens

New York City is home, we estimate, to somewhere between 400,000 and 750,000 undocumented aliens. For the most part, these aliens are self-supporting, law-abiding residents. The greatest problem they pose to the city is their tendency to under use the services to which they are entitled and on which their well-being and the city's well-being depend.

For example, victims of crime, consumer fraud or workplace safety violations may decide not to report their victimization for fear that their presence in the city will come to the attention of immigration authorities. Persons who need medical care may decide not to seek it, some families may keep their children out of school, and adults may fail to avail themselves of ESL classes for the very same reason. It is to the disadvantage of all who live in the city if some of its residents are uneducated, inadequately protected from crime, or untreated for illness. This is true regardless of one's views on the propriety of unauthorized immigration. Undocumented aliens should not be discouraged from making use of those city services to which they are entitled; on the contrary, for the public weal, they should be encouraged to do so. Undocumented aliens will not avail themselves of city services as long as they fear that they will be reported to immigration authorities. It is probably impossible to eradicate that fear, but the city can take steps to reduce it.

Federal law specifies that immigration control is the sole province of federal authorities. The City has no obligation to report undocumented aliens to immigration authorities except when such aliens are engaged in criminal activities, including attempts to obtain public benefits through the use of fraudulent documents.

It is the current policy of most city agencies not to report aliens to immigration authorities unless the alien has given signed permission for a status check or the alien appears to be engaged in some kind of criminal behavior. I want to reaffirm this as city-wide policy.

All agencies should be doing what they can to encourage law-abiding aliens to use those city services to which they are entitled under law. Many city services are available to undocumented aliens including health care, mental health care, education, libraries, police and fire protection, consumer protection, civil rights protection and basic physical services.

Columbia University's Center for Social Sciences estimates that at the conclusion of the legalization program in May 1988, New York City still had an undocumented population of approximately 250,000, including 46,000 children between the ages of 5 and 16. These young people, along with the many thousands of immigrants arriving in our city "legally", must be assured the opportunity to receive an appropriate public education.

THE CHANCELLOR'S ADVISORY COMMITTEE ON IMMIGRANT AFFAIRS

Two years ago, Advocates for Children initiated meetings of representatives of the immigrant community and Board of Education policymakers to respond to the critical issues affecting immigrant children and their families.

This committee meets on a regular basis and has identified significant areas of concern which need to be addressed by the Board of Education. They include the following:

Access

Understanding that immigrant parents (particularly the undocumented) are fearful of contact with authority, the Advisory Committee has urged the Board of Education to reach out to immigrant families through the media to assure them of their children's right to a free public school education. Two campaigns for the city's foreign language radio stations have been completed.

Recognizing that the time when the Amnesty period had expired would be a particularly stressful one for those who did not qualify, the Chancellor's Advisory Committee on Immigrant Affairs requested the Chancellor's office to reaffirm the 1979 Board of Education policy on access. As a result, Chancellor's Memorandum #46 was issued:

> "The May, 1988 deadline for applying for legalization under the Immigration Reform and Control Act has passed. Many questions exist regarding its impact. However, please be aware that the new law will not change the rights of undocumented students to free public education. The 1982 U.S. Supreme Court ruling in Plyler v. Doe that students have the right to public education without regard to the immigration status of the student or the parent still stands."

Included with this memorandum was an open letter to all immigrant parents translated into six languages. (Appendix A).

Staff Training

The Advisory Committee successfully sought a commitment from the Board of Education to do system-wide staff training on issues facing immigrant students and their families.

Sessions were conducted in the fall of 1988 for the trainers of new teachers to familiarize them with Board of Education policy relating to immigrant students. This information was passed on to the new teachers by the trainers during staff development sessions.

District Liaisons, who have been appointed under Chancellor's Regulation #A-145, (Appendix B), to work with immigrant children and their families, were trained at a city-wide conference, sponsored by the Board of Education, Advocates for Children and the Association of the Bar of the City of New York on May 23, 1989. Over 150 school personnel attended this conference at which workshops were conducted on the legal and educational rights of immigrant children and their families. (Appendix C).

Materials used to train intake secretaries have been modified to sensitize them to the needs of immigrant children. The role of intake workers in schools is critical. Immigrant parents, particularly the undocumented, are fearful of government and authority. Those who perform intake must be aware of the insecurities and fears and be careful not to do anything that will make the parents feel they are being challenged.

Health Care

> *"We have seen children 8, 9, and 10 years old who've been brought in for whatever reason to a clinic and we've discovered they aren't in school...because the parents are afraid that they'll be reported to the INS. We've seen children who are...sent in by the school at the age of 6 when they've gone to register who've lived here for 5 years but haven't had even one immunization for fear, once again, of being reported to the INS."*
> Garth Alperstein, M.D., in testimony at the Hearing on the Status of Immigrant Children in the New York City Public Schools.

Clearly, undocumented parents are not only fearful of education institutions but of other institutions as well.

Pedro Rodriguez, M.D., discussed the depression and anxiety suffered by these children:

> *"We think the persistence of depression and anxiety in these children is due to the peculiar situation of the Central American immigrant which is the condition of being illegal which means that they could be identified or they could be captured and they could be sent back to their native countries where they will find again the same conditions of violence and repression. "*

Over the next year, the Advisory Committee will begin to address the health needs of immigrant families. Our discussions with school personnel around the city have revealed a critical lack of information in this area, particularly on the health care rights of the undocumented.

OTHER ACTIVITIES OF THE IMMIGRANT STUDENTS RIGHTS PROJECT

Working with School Personnel

Outreach to school personnel is necessary to inform them of school regulations regarding immigrant populations; enhance their understanding of how an undocumented status impacts upon children and their families; and increase their awareness of and sensitivity to the cultural diversity of this population and the concerns of immigrant parents.

In order to reach school personnel, Advocates for Children of New York, in conjunction the Association of the Bar of the City of New York, has conducted workshops for school guidance personnel, school administrators, teachers and other school staff. During 1987-1988, these workshops provided information on legalization under the Immigration Reform and Control Act (IRCA) and information on the education rights of immigrant children and their families.

A "School Opening Alert - Immigrant Students' Right of Access" (Appendix D) has been prepared for the Fall, 1989 school opening by the National Coalition of Advocates for Students. Advocates for Children has distributed this document to school administrators and advocacy and immigrant organizations in New York State and New Jersey.

Parent and Community Agency Assistance

> *"Because of the employer sanctions and increased enforcement provisions of the Immigration Reform and Control Act of 1986, undocumented immigrants can be expected, more than ever before, to become increasingly wary of public exposure that they fear could lead to their own or their families' deportation. This fear is likely to affect adversely parents' attempts to enroll their children in public schools."*
> Professor Josh DeWind, Columbia University Center for the Social Sciences.

In addition to our work with school personnel, Advocates for Children also conducts workshops for parents and community organizations on legal and education issues for immigrant students and their families. The Association of the Bar of the City of New York has provided pro bono legal advice at these forums. Education rights and legalization rights materials, translated into Spanish, Chinese, Korean and Haitian Creole, have been widely distributed. (Appendix E).

Advocates for Children of New York and the Association of the Bar of the City of New York also prepared three video tapes for use with school personnel, parents, students and community based organizations. One is a round table discussion on education rights of immigrant children. The participants include school personnel and representatives from various immigrant populations. In the second video, for parents and community based agencies, immigration attorneys discuss the process of legalization in English, Spanish and Korean. The third, geared towards the high school student population, is a tape in English and Spanish of immigrant students discussing their experiences in the New York City public schools.

In November, 1988, Advocates for Children testified before the Commission on Human Rights of the City of New York. The purpose of the hearing was to examine the "extent of discrimination in New York City against immigrants and aliens or persons perceived as immigrants or aliens." (Appendix F).

In addition to handling individual cases and presenting workshops, Advocates for Children initiated meetings of representatives of the immigrant community and Board of Education policy makers. As a result, the Chancellor's Office convened an Advisory Committee on Immigrant Affairs.

New Initiatives of AFC's Immigrant Students Rights Project

The focus of the Immigrants Rights Project has of necessity changed. Amnesty ended in May, 1988, leaving hundreds of thousands of people in New York City with no foreseeable hope of gaining legal status. In addition, thousands of people continue to come into the United States without any documents and many will migrate to New York City.

Sanctions against employers who hire the undocumented are already resulting in fewer jobs and greater exploitation of those who are hired and are creating greater economic and, therefore, emotional stress on the families. All of this has direct implications on the children of the undocumented, who will continue to enter our schools.

The needs of undocumented young people are extremely complex. For example, high school youngsters cannot get working papers and, therefore, cannot participate in work study or co-op programs in school. They cannot get "legal" jobs to provide critical income to help their families. While undocumented high school graduates can attend college within the City University of New York system (CUNY), until very recently, they were required to pay tuition as non-residents (double that of resident students). Advocates for Children and others successfully pressured CUNY to rescind this discriminatory policy effective September, 1989. It should be noted that undocumented students remain ineligible for financial aid, thus fostering an underclass of people who will continue to live in the shadow of society. (Appendix G).

Since the expiration of the Amnesty period, fear of being discovered on the part of the undocumented has unquestionably increased. This has led to parents not enrolling their children in school and has inhibited parent participation in the education of their children. As simple a matter as applying for free lunch is a problem for the undocumented because federal forms require social security numbers which they do not have.

To help immigrant students address these issues and others, Advocates for Children and the Association of the Bar of the City of New York have recently established an Immigrant Students Hotline. Advocates for Children staffs the telephone "hotline," screening calls and offering referrals. When the problems are education-related, Advocates for Children works with the students and their families; if they are legal problems, volunteer attorneys from the Association of the Bar of the City of New York assist the students and families.

In addition, Advocates for Children will:

1. Continue to serve on the Chancellor's Advisory Committee on Immigrant Affairs.

2. Continue our outreach to parents to encourage them to enroll their children in school and take an active part in their education. While the law says immigrant children are entitled to go to school, there are still problems. Undocumented parents are often fearful of governmental authority and do not register their children. With the urging and assistance of Advocates for Children, a brochure (Appendix H) was prepared which sends the critical message to these parents of their children's right to a free public education.

Advocates for Children has provided leadership in the outreach effort for the distribution of over 25,000 copies of this brochure which is translated into Spanish, Korean, Creole, French and Chinese. This distribution has been done through churches, community health clinics, community based organizations and the Mayor's Office on Immigrant Affairs.

3. Expand our work with school personnel, including workshops on the issues concerning immigrant children, with particular emphasis on the problems facing the undocumented.

4. Maintain regular contact with the district liaisons for the community school districts and high schools.

4. Continue to serve on the New York Immigration Coalition as well as work with other groups in the city concerned with the needs of immigrant families.

5. Continue to serve on the National Working Group of the Immigrant Student Program of the National Coalition of Advocates for Students.

RECOMMENDATIONS

The challenges facing the public schools in educating immigrant children are many but, with real commitment, these challenges can be met.

The testimony given at the New York City hearing covered many areas of concern. The recommendations made below emerged from the testimonies and from Advocates for Children's subsequent work with immigrant students and families. While they are not all inclusive, they highlight important issues and offer ways to assist immigrant children so they have successful experiences in the New York City public schools.

Bilingual Programs

It is essential that we have programs for children with limited English proficiency. Their goals must be to enable children to make a smooth transition from their native language to English proficiency and reinforce their abilities to read and write in their native language.

These goals require staff proficient in the native languages of the children. This is a particularly difficult problem in New York because over 100 different languages are spoken by the new immigrants. The need for bilingual staff is crucial.

We make the following recommendations to recruit bilingual staff:

1) The Board of Education should intensify recruitment within the city's immigrant communities, with special outreach to immigrant community-based organizations.

2) The Board of Education's personnel division should have a staff person or persons to assist foreign born applicants in getting through the complex application process. This should include assisting undocumented professionals in obtaining required legal papers which will enable them to work in the United States.

3) The Board of Education should reorganize requirements to offer flexibility in transferring credits from foreign schools.

4) Government-funded accelerated summer courses should be offered by the colleges in conjunction with the Board of Education to help the foreign born obtain necessary education credits. This was successfully done during the I960s when there was a teacher shortage in New York City.

5) Bilingual paraprofessionals should be hired to work with children and classroom teachers where they are needed.

Students

Immigrant students are an "at risk" group in the schools. They need extra time to learn a new language and make difficult adjustments. These students frequently do not develop the language skills they need to access the school's regular curriculum. School failure, holding over and inappropriate special education placements result. These students are at "double risk" of being placed in low academic tracks, based either upon language limitations or slow academic progress. The cumulative result is early school leaving.

We recommend that the Board of Education take the following steps to assist immigrant students:

1) Expand the work of the Advisory Committee on Immigrant Affairs which includes responsibility for coordinating activities centrally and serving as liaison with the districts.

2) Develop a program of flexibility for transferring credits from other countries. This is particularly important for high school students. For example, students proficient in their native language should be given credit for a foreign language.

3) Develop curriculum materials which reflect and foster respect for cultural diversity. This multicultural curriculum should be part of the education for all children in the public schools. Educational materials including textbooks and library books which reflect the cultural backgrounds of immigrant children should be available in all schools.

4) Establish peer discussion and support groups for students from war-torn countries and those who have experienced trauma.

5) Initiate programs which integrate immigrant students with the general school population to develop understanding and to help solve serious problems of intergroup conflict which exist in many communities and schools.

6) Offer language instruction using the language skills of immigrant students to tutor native-born children. This would not only assist native-born children in learning another language but would help immigrant children in improving their English language skills.

7) Set up special programs for newly entering older children who have never attended school. These children do not have the skills required for success in school. These would be short-term alternative placements.

8) Expand day and evening adult education programs for older students who work. Current programs have long waiting lists. Outreach through the foreign language media, community based organizations, churches and through the schools should be expanded. There is a particular need for expansion of day adult

education programs because many of these older students (particularly the undocumented) work at night.

Teacher Training

Those institutions responsible for teacher training must come to grips with the complexity of the needs of the newly arrived immigrants in our city.

In order to begin meeting the needs of this population, we recommend that the following initiatives be taken by teacher training institutions:

1) Curricula should be developed which prepare teachers to work with culturally diverse populations. Courses should be required of all education majors.

2) Leadership should be taken in the area of offering higher education to those people who do not have documentation - e.g., granting student loans, recruiting in immigrant communities through outreach to immigrant organizations.

3) Bilingual paraprofessionals in general education should be given the opportunity to attend college at Board of Education expense (including stipends to enable fulltime attendance) to enable them to acquire the credentials necessary to get a teaching license. Life experience credits should be granted in the programs. The career ladder concept used in special education (including scholarships and loan forgiveness programs) should be extended to bilingual paraprofessionals in general education.

4) Teacher training institutions must prepare new teachers by requiring proficiency in at least one language other than English.

Parent Community Outreach

As with earlier immigrant populations, groups tend to settle in communities where others from their countries have settled. In areas of high immigrant concentration, there are usually community based organizations which serve this population. The Board of Education should expand its effort to utilize the resources of the community based organizations, i.e., social workers, psychologists, etc., in working with immigrant children and their families.

Community awareness programs should be instituted with the participation of staff from the Board of Education and community based organizations. While attention should be given to those community groups which represent immigrant populations, other community groups and individuals should be encouraged to participate. It is essential that the language minority and racial minority populations get to know and understand each other. Often competition for low-paying and low-skill jobs creates serious tension between these groups -- tension which often filters down to children.

To create ties with the community, the Board of Education should do the following:

1) Strengthen channels of communication with immigrant community based organizations and use the services of these groups to serve as liaison between schools and parents, to provide translations, etc.

2) Encourage groups to offer tutorial services for children.

3) Assist groups in organizing day care programs.

4) Utilize services available within community based organizations such as those of bilingual/bicultural outreach workers.

The Board of Education recognizes the need for active participation by parents in the education of their children and has recently opened an Office of Parent Involvement. That office should focus special outreach efforts on immigrant parents to involve them in the education process.

In order to achieve immigrant parent participation, we recommend that the Office of Parent Involvement at the Board of Education take the following steps:

1) Provide orientation sessions, in appropriate languages, for immigrant parents on the education system in New York City, and offer information on the education, health and social services available in the community and in the city.

2) Encourage regular communication between bilingual Board of Education staff and/or bilingual staff from community based organizations and immigrant parents.

3) Send all written materials home in the native languages of the parents.

4) Schedule parent-teacher conferences at convenient times and provide interpreters where necessary.

Staff Awareness

Training to sensitize staff to the cultural diversity of the newly arrived is critical. This training must be required of all school staff including administrators, teachers, secretaries and security staff. Special emphasis must be given to the concerns of undocumented immigrants who are often fearful that their participation in the education of their children will cause problems for them with immigration authorities. The training should also include information on other resources available to the immigrant population such as health, social services, etc.

We recommend the following:

I) Schools should provide an atmosphere in which new immigrant families feel welcome. Special emphasis must be placed on the first visit to the school when a youngster is being registered.

2) Schools should provide bilingual/bicultural paraprofessionals to assist families in registration, in securing the necessary health services for immunization, etc.

3) Schools should insure that all staff are aware of the law which entitles all immigrant children, including the undocumented, to attend school.

Placement

Children arriving from different countries, thrust into a new culture and most often speaking a different language, enter the New York City school system with understandable apprehension. It is critical for school personnel to exercise care in evaluating the educational needs of these children to insure proper school placement while always assuring their admission to school without delay. Assessments should include evaluation of English language and native language proficiency, oral and written, and other academic skills. In addition, the educational progress of the children should be monitored periodically.

Whenever possible, youngsters should be placed in the appropriate grade level for their age. In addition, accurate educational assessments can safeguard against inappropriate placements in special education programs.

In order to facilitate proper evaluations, we make the following recommendations:

1) Districts with large immigrant populations should create intake and assessment centers which have trained bilingual/bicultural staff.

2) For districts with small numbers of immigrant children, there should be a centralized intake and assessment center with the appropriate staff.

3) Districts should have the capacity to conduct health evaluations of the children. This can be done in conjunction with local Board of Health facilities, hospital clinics or community clinics.

Special Education

We are concerned that many immigrant children have been mistakenly placed in special education because of language and/or cultural differences. Cultural differences may manifest themselves in behavior unfamiliar to evaluators and therefore be considered inappropriate. Efforts to hire staff from cultural backgrounds of the students they serve must be intensified. All clinical staff must be trained and sensitized to the cultural backgrounds of the children they are evaluating to avoid inappropriate placements.

For those immigrant children who require special education services, we make the following recommendations:

1) The law requires that all youngsters with special education needs receive timely evaluations and appropriate placements. The Board of Education must commit the necessary resources to accomplish this for newly arriving students.

2) There is an urgent need for additional bilingual/bicultural clinicians, social workers, psychologists, and educational evaluators to conduct evaluations in the native languages of the children. Testing youngsters in their own languages will serve two purposes: it can mitigate against unnecessary placements and can result in the most appropriate placements for those youngsters needing special education. Efforts to recruit bilingual staff must be expanded.

CONCLUSION

We are a nation of immigrants. New York has historically been a major point of entry for those who come from many lands to flee repression and economic hardship and their children attend our public schools.

The advocacy community must work with the Board of Education to develop outreach programs to immigrant parents, programs to sensitize school personnel to issues for immigrant children and multicultural programs for all children. All of these are absolutely critical and require our advocacy.

In addition, there is a population within the immigrant community which has special needs - the undocumented. What can we do for children whose parents are forbidden by our immigration law to work? What can we do for older children who need to work but cannot because they can't get social security numbers because they're undocumented?

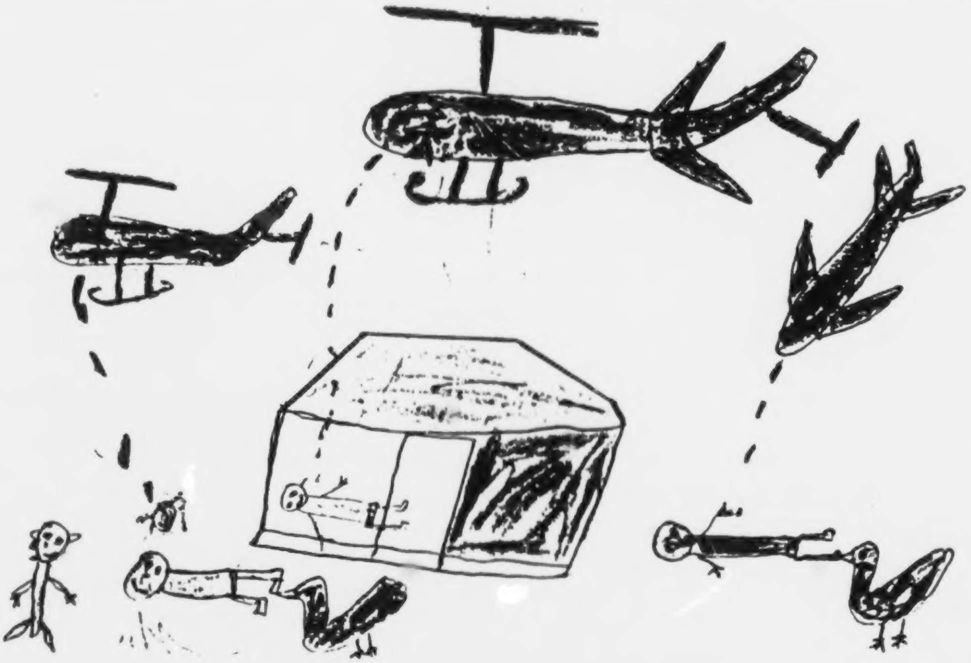
What do we say to the 16-year-old Egyptian girl who called asking if we would help her to get a job? Her mother, according to the immigration law, cannot work. Her family has no money. What do we say to her? What do we say when that 16-year-old says that she must drop out of school in order to help support her family? What do we say to her when she tells us that for her, "There is no future"?

Education advocates know that the children of the undocumented are "at risk." They're "at risk" because their parents cannot work legally and they must find some way to obtain money. The children are "at risk" because they often come from war-torn countries and carry with them deep scars of fear and repression. The children are "at risk" because fear prevents many of their parents from playing an advocacy role in their education. They're "at risk" because of emotional stresses in their families which are directly related to economic factors which are directly related to the immigration law. If the law prohibits undocumented immigrants from working, is there any recourse for them but to join an underground economy? What will be the eventual costs to society?

Education advocates work to protect children. The best way to protect them is to protect their families. We believe that all people must be able to work and work at decent wages. It's the only way to protect all our children.

New York City and the Board of Education are to be commended for their policies. However, we must make sure that the policies are understood and implemented at the field level -- in schools, in the hospitals, in all the social service agencies. We must improve our outreach efforts to immigrants to inform them that they are entitled to many services in the city.

Young people are our future. The young people who come from Central and South America, Asia, Africa and the Mideast are part of that future. The school system has a unique role to play in integrating these children into our society.



esta es la Vida del Salvador. esos Son los aviones
que borban dea nuestras casas de los compecinos aqui Vemos
que nuestras campecinos estan accecinados por los militares
nuestros cuerpo estan tirados así a la tierra y nuestros
campecinos son comidos de los animales.

"This is life in El Salvador. These are planes that bombarded the houses of us, the campesinos. Here we see that we campesinos are murdered by the military. Our bodies are tossed on the ground just like that and our campesinos are eaten by the animals."*

**people who work on the land*

TESTIMONY

Hearing on the Status of Immigrant Children in the New York City Public Schools

INTRODUCTION

It could have been a United Nations General Assembly meeting, so diverse and passionate was the assembled body. On Tuesday November 25, 1986, scores of representatives of and advocates for New York City's immigrant communities came together at the City University of New York Graduate Center to document the status of immigrant children in the New York City public schools. Sponsored by Advocates for Children, the New York hearing was part of a national project of the National Coalition of Advocates for Students to study this largely unexplored area.

Beginning at 9:30 a.m. and continuing uninterrupted until 5:00 p.m., students, parents, community activists, social workers, clinicians, lawyers and educators presented testimony before a distinguished panel, chaired by Guillermo Linares, member of Advocates for Children's Board of Directors.

Many of the presentations painted a very bleak picture and occasionally an accusatory finger was pointed at the school administration. But evident throughout the proceedings was a sincere and informed concern about the special needs of immigrant children. If there was one theme that dominated the day's proceedings, it was the importance of heightening our awareness of and sensitivity to these special needs.

Notwithstanding the harrowing tales of indifference, neglect and chaos to which audience and panelists bore witness through the day, Luis Miranda, who closed the public hearing, suggested that, rather than succumb to despair, participants should focus on the struggles ahead, about which they were now better informed and for which they were, therefore, better prepared. While there was some overlap, the testimonies on the immigrant experience in the New York City school system fell into four basic categories: personal accounts, the sociological context, special problem areas, resources and innovations. In the pages that follow, we offer a representative sampling of these testimonies.

PERSONAL ACCOUNTS

> **"The first day of school can be terrible for both students and parents. Usually you go into a big school; you don't speak the language; you don't know exactly what you have to do. You go to the principal's office and most likely he or she doesn't speak the language. If you are lucky, there may be someone to serve as an interpreter."**
>
> **Maria Ortiz**

In this section, we include the moving and often dramatic testimonies of individuals who, from very different angles, have borne witness to the rigors of the immigrant experience in the New York City public schools.

Daniel Abreu, a Dominican-born educator with extensive experience as a bilingual teacher, alleges that immigrant children "are just dumped from classroom to classroom, from grade to grade," only to end up as dropouts. Nu Nu Win, the Burmese mother of a Down's syndrome child, and Janice Silber of Advocates for Children, describe their Kafkaesque encounters with a Board of Education Committee on the Handicapped (now known as Committee on Special Education).

CHAIRPERSON GUILLERMO LINARES: Advocates for Children of New York takes pride in sponsoring the first public hearing on the status of immigrant children in the New York City public schools. We hope that the testimony presented today will serve to break down the barriers which prevent equal access to immigrant children in the New York City school system. The testimony reflects a diverse representation of immigrant groups, particularly the major language groups represented in the New York City school system. Immigrant students, parents, educators, service providers, community-based organizations, among others, will be testifying. At a time when bilingual education is under attack, the U. S. ENGLISH movement is threatening the basic democratic rights of language minorities in this city and throughout the nation, and we have the passage of the new immigration law, immigrant children stand less of a chance of getting a quality education. Under these circumstances we have to develop an aggressive agenda on behalf of immigrant children if we are to succeed in meeting their educational needs. Advocates for Children of New York continues its commitment to defend the rights of students and their parents in the New York City public schools as evidenced by this important event.

DANIEL ABREU: My name is Daniel Abreu. I was born in the Dominican Republic and immigrated to the United States when I was 15 years old. For the past ten years I have been a bilingual teacher in various high schools and junior high schools in the New York City area.

When I graduated from City College to become an educator, I was young, idealistic and perhaps naive. I realized that I was going into a school system that was very complex and diversified, and the quality of education offered to immigrant children varied from school to school, district to district. Most of the children who came from abroad were immediately placed in a bilingual program which was not bilingual at all. All subject matter was taught in Spanish, while an inadequate ESL program supposedly taught them English. As it turned out, most of the children were graduated from the elementary and junior high schools without having acquired sufficient English proficiency to help them succeed in high school.

The children who were placed in the bilingual program were taunted by teachers and students alike. Being in "bilingual" became equivalent to being slow and/or stupid. Hundreds of non-English speaking children were denied lunch on a regular basis for not following rules given to them in English or because they had made errors when they filled out their lunch application forms. In general, the reception given to immigrant children was so negative and hostile that many of them were turned off to their new society.

Although I refer to the above learning environment in the past tense, I'm sorry to say that the pattern persists to this day. A high percentage of these immigrant children are reaching our schools without ever having attended schools before in their own countries. They are just dumped from classroom to classroom, from grade to grade, until they reach graduation age, and off they go to high school, eventually to become dropout figures. **I am now mature enough to realize that we can't change people's attitudes overnight, but I am also realistic enough to understand the high cost in human suffering that society as a whole will have to bear for every one of these minds being wasted.**

GIOVANNI LOPEZ: My name is Giovanni Lopez. I was born in the Dominican Republic in 1965. I was 11 years old when I immigrated to the United States. When I entered the New York City school system, I came upon a world unknown to me, a language which I didn't understand and a school administration which made ugly faces every time I spoke Spanish. Stereotyping and racial comments were a daily routine. Bilingual students were made to feel inferior and were portrayed as slow and stupid. Teachers and students alike would make jokes about those kids in bilingual programs. **Students with behavior problems were placed in our classes so as to give them the impression that the bilingual program was a dumping ground for misfits. Believe me, maintaining a half-decent image of yourself wasn't an easy thing going through school here.**

DANIEL ABREU: Ramon is a youngster who is now attending my school. I will speak to him in Spanish because he doesn't speak English. Cuántos años tienes tú en las escuelas de esta ciudad?

RAMON: Tres años.

DANIEL ABREU: He has been in the New York City school system for three years. Tu sabes escribir en español?

RAMON: No.

DANIEL ABREU: I asked him, "Do you know how to write in Spanish?" He said, "No." Tú sabes escribir en inglés?

RAMON: No.

DANIEL ABREU: "Do you know how to write or read in English?" He said, "No." I have seen the need for a long time now for every school to have special classes just for illiterate children, where trained professional staff would have the task of bringing these children to a level where they could handle basic literacy material.

CONNIE LING: I'm a parent and PTA president of I.S. #132. I was born in the Philippines, immigrated to Hong Kong and ten years ago immigrated to the United States. When I first came here, I worked in a garment factory. I have three children who attended public school. One is still in public school. I am very concerned with my children's studies. Being a parent, working full-time, and a PTA president at the same time is not an easy job.

Let me tell you a little about our school. There are 1,600 children; 82% of the students are Chinese and most are immigrant children. From my experience at this school I would like to make recommendations. To help new students who came to this country from different backgrounds and environments, we must reach out to them and their parents. They are all working parents, working hard in the factories or restaurants. Day-care services are very important because parents need them in order to work in the garment factory. There is a need for security guards to make sure that the school is safe for our children.

One of the most important needs right now is for guidance counselors. We need more guidance counselors who can speak the language of the students, for personal counseling and future career planning. We have only one Chinese bilingual counselor right now. It is not enough for 1,600 children. Parents are working hard, they are busy in the factory and they don't have time to come to school, but they are very concerned. They're working hard for the children. Even though Chinese parents have little free time from work, they care very much for their children. We need bilingual, bicultural school staff and programs to help the children and the parents.

YVA CANTAVE: I am Haitian-born. I came to this country 16 years ago. My children go to school in Brooklyn. The bilingual class they have for the Haitian children is run by a monolingual teacher who doesn't even speak French fluently. What happens is that I go to offer my help. Those children who have just come here are given to me to help. When I leave after two or three hours, they don't have any services. What they have is an ESL program which is not properly run. I have a child who is my friend. I my friend. I helped her. Now she is in junior high school. She can't even read at the second grade level and she has a French class that she cannot handle. I think before the year is over this child will drop out.

PANEL MEMBER: Madame Catave, do you think there is a need for more paraprofessionals, like Haitian paras who can help the teachers because of the language barriers?

YVA CANTAVE: Sure there is, because we have children coming from Haiti who are illiterate. If I give two hours a week, it's not enough to help those kids.

HAYDEE ZAMBRANA: I know of children who are attending adult education classes with their parents at night because the parents have not been able to prove a permanent address to the school system. Tonight I am going to see a child who has not been able to register in the school because the parent is an immigrant, an undocumented worker who lives in a room, and she has not been able to prove that she has a permanent address. That child has been here since August, and they have not been able to place him.

NU NU WIN: I am Nu Nu Win, the mother of Tu Tu, a l7 year old Down's syndrome child. My two daughters, Mo and Tu Tu, came to New York from Burma. Tu Tu had never had the opportunity to receive any kind of education or training because such services and facilities are practically non-existent in Burma. Hence, it was very urgent that I try and locate a facility where Tu Tu could, for the first time in her l7 years, start to receive an education.

The New York City Commission for the United Nations, because I am a staff member of the United Nations, started this procedure in December of l985 by writing to the Committee on the Handicapped (the COH). My daughter's social history was taken in January l986, after which time there was absolutely no feedback. It was only when I followed up that I was informed Tu Tu would be evaluated after they had located a Burmese-speaking person. At this point, they mentioned that there was a program under which a trained social worker who spoke Burmese might be found. I was quite doubtful that they would find one, because the concentration of Burmese nationals in the United States is rather small. At this juncture, there was a gap of three months, March to May, when the COH did not get in touch with me. When I called them again, I was informed that I should try to locate an individual or agency to do the evaluation in Burmese. At the same time, the COH sent me the Nickerson letter, together with a list of recognized agencies. I contacted a number of these agencies, but without any success. Around this time, I suggested that I might be allowed to interpret for my daughter. This suggestion they absolutely refused to entertain. It was then that they informed me that it was incumbent upon me to find a Burmese-speaking psychologist. I tried to locate one both within and out of New York State. After being unsuccessful, I once again contacted the New York City Commission to the United Nations, who tried to prevail upon the COH to be more flexible. COH said that if I failed to locate such an individual they would require a letter from the Burmese Mission to the United Nations stating that they did not have a Burmese psychologist living in the State of New York registered with them.

I was left with no choice but to contact Advocates for Children to press my case after the repeated refusal of COH to allow me to act as interpreter for my daughter, especially in view of the fact that I brought up the case of a friend and compatriot of mine who was allowed to interpret on behalf of her deaf-mute nine-year-old daughter who was subsequently admitted to the Lexington School for the Deaf. It is thanks to Mrs. Janice Silber that things at long last started to move more quickly. Seven precious months were needlessly lost because of the inflexibility of the Committee on the Handicapped about the translation rule.

JANICE SILBER: I'm the advocate at Advocates for Children who was assigned to Mrs. Win's case. After getting all the details from Mrs. Win, I called the COH for confirmation of the facts and, even after all this time had passed and they knew that Mrs. Win was unable to find a Burmese psychologist, they still remained unbending. I believe that because of the particular circumstances of this case, the COH should have adopted a flexible approach because they knew it was impossible to locate the Burmese psychologist, because Tu Tu was totally non-verbal, understood only a minimal amount of Burmese and had never been in school. If in all these months the COH had met with her, they would have realized that it was possible to do an assessment and recommend an appropriate placement without the assistance of a Burmese psychologist. The alternative was for Tu Tu to have no evaluation and remain out of school.

I then called the CBST (Central Based Support Team) for some assistance and was told that they would, this time, accept the mother as the interpreter for her child. From then on, things moved rapidly. The evaluation was done at the beginning of July, and the review was held eight days later. Mrs. Win was told to bring Tu Tu in an hour before the review so that they could do a speech evaluation. A site five OTC (Occupational Training Center) placement was recommended, and I urged the COH to recommend, as a related service, individualized speech therapy five days a week. I felt that Tu Tu should be given every opportunity to make as much progress as possible, as quickly as possible. I requested a seat for her in the OTC in Corona as the family lives only ten minutes away from that OTC. No one in the family drives. This would be Tu Tu's first time in a school bus, so this seemed reasonable to me. Although the Chairperson of the COH agreed, when I called Citywide Placement in August, they told me they had just called the COH with a seat for her in the OTC in Far Rockaway. I explained the dynamics of this case and told her I would not recommend to the mother that she sign the option letter. Within five minutes she called back with a seat for Tu Tu in Corona. Within a few days, the mother received the option letter, signed it, and mailed it back. We thought that from then on it would be smooth sailing. We were wrong.

On September 5, Mrs. Win received a letter from the COH. It was postmarked September 4 and advised her to go to the OTC to register on September 3. Mrs. Win became very upset by this. She thought she had missed registration and Tu Tu again wouldn't be able to go to school. I told her not to worry, that we'd go to register on the first day of school. On September 8, I went to the OTC with the parents and Tu Tu. It was an overwhelming experience, even for me. Aside from the fact that the first day of school is always very hectic, to make matters worse, the COH had not sent Tu Tu's packet. Therefore, the OTC was not prepared for her, had not expected her, had no records, and knew nothing about her. However, after many hours we finally managed to get her registered. She was placed in a class, and the parents were given instructions. We were all extremely anxious when we left Tu Tu behind. If the COH had done the right thing at the right time, Mrs. Win would have received the letter in time advising her to register on the 3rd, TuTu's packet would have been there, and we wouldn't have been subjected to all of this on the first day of school. In any event, Tu Tu finally made it to school, nine months after she was referred to the Committee on the Handicapped.

DOROTHY BURKE: I am the President of Community School Board #17, the third largest district in the City of New York. We are fast approaching 30,000 students. We have been overcrowded for years, and we have never been able to meet our class size mandate from the Board of Education.

Our immigrant population comes from many different countries -- from English-speaking countries of the Caribbean as well as non-English speaking countries. We have some 19 languages represented. Haitians are our largest non-English-speaking group and we have the largest Haitian population in the city. We love our diverse population, the different challenges they present, the ways parents and children perceive school, approach discipline, family authority, and the impact of the change of environment on the child and family, to name but a few.

Providing proper education for our children is a monumental task. Take our so-called "gap" children. These are children who have a gap in their education because they've missed several years of schooling - for example, an 11-year-old boy who is reading at second grade level and who should be reading at a sixth grade level. Let's say a boy from a small island, a rural village, where everyone in the village knows everyone else, arrives at an intermediate school with some

1,200 students, probably bigger than his whole village. He finds the students joking around and they're even joking around with the teacher. This seems rather disrespectful to him. English is his official language, but his accent and the way he talks makes it difficult for Americans to understand his speech, and his attitudes are often misunderstood. He's given a book he cannot read. How does the school really provide him with the proper education? With the emphasis on reading scores, the school very often tries to concentrate on the children that are near grade level to bring them up, so that they can look good when the reading scores come out. Anyway, pretty soon, school becomes a real nightmare for him. His defense is either to withdraw from school altogether or to become disruptive and sometimes to end up in special education where he really doesn't belong.

DON KAO: I'm a counselor with Chinatown Planning Council's youth program, Project Reach. We represent what are called "at risk" youth. I guess ultimately every child is "at risk" in this society, given the state of affairs. I would say maybe 20% are recent immigrants. They generally run the range of what I would call academically mediocre to kids who have dropped out, kids who are gang-affiliated, kids who are failing in school; and we even have some college kids who cannot write an essay, and they come to us for help. And I think in all those categories they're reflective of something that's not working within the system, and I think we all need to share the burden.

One of the things that I'd like to do is talk about the public school system as we've understood it through our agency. I guess the young people who are most critically affected by what goes wrong are the kids who are, for example, in the gangs, who are not in school, who have basically given up on the system and are in search of other places to find their role in life. Unfortunately, the questions that are asked are, "Why do young people join gangs? What attracts kids to become gang-involved?" And the questions we want to ask, or we would like answered are not those questions but, "Why aren't they staying in school? Why aren't schools able to compete with what is outside?"

We can't expect school to be such a wonderful experience that everybody will be rushing through the doors. On the other hand, some of the comments we get from kids who have dropped out are that school is boring. Some of the kids say that teachers don't know how to teach. Now, obviously we don't take that literally, but there is something going on. They say they don't understand the teachers, the counselors can't speak in their language, or they feel the counselors or teachers don't care. I'm mentioning the extremes. There are of course always individuals that we work with in the school system and elsewhere that are doing good work, but these are some of the responses we get. The worst response I think we get are the kids who tell us they don't know why they're not in school. And that's a very clear indication that they've given up.

Oftentimes, when we've worked with their parents, we've found that they seem to be incredibly alienated from the whole process because the schools are not sensitive to their cultural issues and problems. We have the parents who, maybe as a product of the alienation, have this blind trust in the school. So the school is always right, their child is always wrong, which then creates a barrier for us in trying to work with the children and their parents. We get some response from our kids that bilingual teachers don't speak good English.

I think that it's very important for community based organizations to begin working with the school system more closely and I don't think that mechanisms are set up for that to occur. I also think that the public school system needs more assistance on the part of policymakers to create a situation where more sensitive and humanistic systems are in place that do some of the work that we try to do after school hours. But the public school system has kids six hours a day. We only see them, if we can squeeze it in, half an hour at a counseling session. If counseling can be institutionalized in the public school system then, of course, it makes our life a little easier. I think that's where tax dollars should be going, to supplement the so-called academic curriculum with a whole range of other kinds of things that these kids really need.

PANEL MEMBER: Do you see any difference in the nature of the problems that are faced by immigrant children as opposed to kids who've maybe lived in a place like Chinatown for two or three generations? Are the non-immigrant children being served as well as the immigrant children?

DON KAO: I think it might be looked at this way: non-immigrant children, by virtue of their ability to speak English, can survive in this society a little bit easier. I think that the education system needs to shore up a lot of things, not only for immigrant children, but for non-immigrant children as well. Let me give one example. I think that, when an immigrant child misbehaves in school or is truant or creates a problem, that child sometimes is dealt with much more harshly than the American student, because the expectation is that they should behave. And I think there's also an undercurrent of, "Listen, you're a foreigner, you're an immigrant, you should be thankful that we're even educating you." School personnel often are not taking into account all the factors that impact on that child that might be creating that behavioral problem or that learning problem. And we have a lot of kids who, at a certain point, just give up. They come to our center instead of going to school. It's very difficult to tell them to go back to school when we know the constraints that exist within the context of the school.

JOSEPH HIAN: I work for the Vietnamese refugees in the New York metropolitan area. For most Vietnamese families, language and cultural barriers often prevent them from seeking help from school and local community agencies. The parents see themselves struggling to get a job, to find a place to live and protect their children from social problems such as drugs, alcohol and sex. Many of them have to work two jobs in order to support themselves and their children. They have no time or opportunity to learn English; therefore, they are unable to teach their children at home or to track their children's progress at school. Some of them cannot read or understand the report cards or notices from school. Problems in school sometimes go unnoticed unless the problems are serious.

The fact that there are a few Asian students who are quite visible in their academic achievement does not mean that the rest of the newly arrived immigrant students are successful. Many Vietnamese refugees face a lot of problems in school. We often take for granted that children will pick up the language very fast and will be able to overcome the barrier. Of course they will, but not without struggle. I remember a pretty girl named Mai, who was so depressed and upset that she was unable to concentrate on her studies because other kids said, "Mai, you are ugly." The counselor referred the child to me for an evaluation. I found out that Mai was called ugly because she had no cookies and candy to share with other kids at the break time. Her family was on welfare.

In ten years of serving Indochinese refugees in New York City, I have worked closely with various schools and school districts to assist in evaluation for placement as well as to provide consultation and counseling for my students and families. There is a lack of information, training and support from regular education teachers, counselors, schools and critical shortages of appropriately trained and certified bilingual and ESL teachers and of quality classroom material for limited English proficient students. Limited English proficient students who need special education services cannot get them due to lack of native language personnel. Limited English proficient students have been inappropriately placed in special education classes without parental agreement or understanding why or how to appeal.

There's need for new immigrant parents to get basic information about how U.S. schools function: processes, services and programs available, and route of appeal, especially in light of the large differences between school here and in the country of origin of many immigrants. There is an unrealistic expectation on the part of parents regarding how schools are handling their children. There are assumptions that schools have unquestionable authority and then there is confusion and anger when trust is shaken by particular situations or events. There is difficulty helping children with homework and monitoring progress because of the language barrier. There is a lack of contact between school and immigrant community-based organizations that might provide crucial linkages between parents and schools. Parents have limited access to the decision-making process.

DIANA RIVERA LA LLAVE: I'm a case advocate at El Puente, a community-based agency serving the needs of primarily poor, "high risk," south side youth in Williamsburg, Brooklyn. The population is divided primarily between youths from Puerto Rico, the Dominican Republic and other Latin American countries such as El Salvador and Ecuador.

Education in this country has been described by some as being the tool to achieve social equality between the many different ethnic and immigrant groups who come here in search of equality and justice. It has been clear that the educational system has not succeeded with various groups, such as the handicapped, gifted, minority and, in this case, immigrant children.

In our center's work with immigrant children, we have come to see the following four issues as paramount in the lack of success schools have had in working with immigrant children. The first deals with the conflicts and misunderstandings surrounding grade placement; the second with the lack of quality bilingual, bicultural programs and services; the third with tension and racial violence in the schools; and the fourth with the impact of economic needs on education.

Oftentimes, immigrant children, for various reasons, come here without complete school records or any records at all. As a result, they are often placed in an inappropriate grade or class. They tend either to be placed in a lower grade than they were in their native country, or they are placed in a grade based on where they should be for their age, regardless of whether they can do the work or not. These situations could be avoided if schools followed a consistent policy of making an initial, non-biased, language appropriate assessment of the students' skills and abilities before placement. What happens is that once these children are placed without an assessment, they can stay in these classes for a long time. This results in further alienation and frustration and in turn leads to dropouts.

Considering the significant and growing number of Spanish-speaking immigrant children in the schools, there is an embarrassing lack of quality bilingual, bicultural programs and services provided for them. Children are placed in programs that are bilingual in name only. Bilingual classes are often segregated from the mainstream as is the case in our local high school, where there is a whole floor reserved just for the bilingual classes and where there are even separate graduations. What happens is that being in a bilingual class becomes a stigma and, as a result, these students tend not to get involved in extracurricular activities and they don't succeed in establishing friendships and contacts with students in the mainstream. They also tend to become tracked for failure and geared towards low-level jobs. They are steered away from college prep courses.

We feel that there should be educational workshops for immigrant parents provided by the schools on school policy, regulations, and due process procedures, and they should be provided in the appropriate and necessary languages. There should be more research done in the area of bilingual, bicultural education and there should be more of these programs in the schools. This would include the training and hiring of a significant number of bilingual, bicultural staff who can provide these services and who can serve as role models for the children. There should also be more networking between schools and community-based agencies who can provide supportive educational and social services. Personnel in schools such as counselors, social workers and school psychologists can serve to facilitate this process.

PATRICIA GRAY: I am the Director of the Chinatown Community Project in Education-Asian Children's Underground. It's a private day-care center in lower Manhattan. Asian Children's Underground takes care of both pre-school children and after-school children from ages two to twelve years old. We have a full day program for toddlers and an after-school program for our elementary children and a summer school for both.

Fifteen years ago, a group of people, remembering their experiences of growing up in the factories, doing their homework and helping their mothers and grandmothers, started the Asian Children's Underground. Establishing this day-care center was their attempt to end the nightmare for other children. Since then, the New York City Agency for Child Development has provided more day-care services to working parents, but it's nowhere near enough.

All children suffer when there is no affordable quality daycare for them, and immigrant children suffer even more so. Immigrant pre-schoolers need a bilingual and a bicultural educational setting to help them bring together the two cultures, Chinese and American. This is especially true for pre-school children because they are transitioning from a single Chinese cultural environment to a dual cultural one. Also, when immigrant children enter the American system, they lack the knowledge of its values as well as the language skills which are crucial for successful development. By exposing them to experiences of both cultures and languages at an early age, it will help to alleviate the amount of anxiety, conflicts and disruptions of mental development. A childcare center like Asian Children's Underground helps young people to have a more positive self-image and a better understanding of their identity as they continue to learn more about the history and culture of Asia and America.

SOCIOLOGICAL CONTEXT

"As we think of immigrants we shouldn't think primarily in terms of problems; I think we should think primarily in terms of vitality, of dynamism, of renewal."

Gary Rubin

In this section, we include testimonies that put the immigrant experience in the New York City public schools in a sociological perspective.

Elizabeth Bogen, representing the New York City Office of Immigrant Affairs, provides the statistical framework. She observes that fully one-half of the children in the school system (450,000) live in households where the native language and culture is not English, but also that one-fourth of the members of immigrant households are born in the United States. "In a sense," she suggests, "The immigrant family is a myth." Gary Rubin of the American Jewish Committee stresses the importance of the longer and broader view: "Immigrants do bring problems to the society and to the schools, but they also bring opportunities. Pedro Rodriquez, medical director of the James Weldon Johnson Counseling Center, points up the unique stresses of Central American immigrants who "come to the United States bearing the physical and emotional burden of their experience of war, of political violence, of institutionalized repression..." Allan Wernick, an attorney teaching at Hostos Community College, notes that, "The foreign-born have clearly suffered over the last six years under the most repressive Administration since the McCarthy era," but also that there is widespread ignorance in the immigrant communities of their legal entitlements. He reports that: "Despite the fact that it's unquestionably clear after the Supreme Court ruling in the famous Texas case ensuring the right of school-age children to attend public schools, and despite the l979 statement by the Chancellor on the policy of the city schools towards immigrant children, I still get calls on a routine basis from people who advocate on behalf of immigrants and from immigrant families themselves about whether their children have a right to public schools."

ELIZABETH BOGEN: Households headed by immigrants have characteristics that distinguish them from households that are headed by native-born Americans, and those characteristics influence the environment in which immigrant children grow up. For example, immigrant households in New York City are more likely to contain relatives and less likely to be single person households and households made up of non-relatives. In immigrant family households, two married adults are more likely to be present than they are in native-headed families. We're talking about strength in immigrant family construction in the City of New York.

In 1980, there were almost 2.8 million households in New York City, of which 781,000, or 28%, were headed by an immigrant. The composition of native-headed households was not radically different from that of immigrant-headed households overall though, as I've said, immigrant households did tend more often to have a spouse and extended family members present. The presence of extended family members was most notable among the most recent immigrants. Many immigrants, but especially new immigrants, tend to live in extended families in order to pay New York rents and in order for the earlier immigrants to make a contribution to the future of their younger siblings and cousins.

Contrary to popular opinion, the percentages of children present in foreign-headed and native-headed households were almost identical. Immigrant household and family size did tend to be slightly larger than native-headed household and family size, but the reason seems to be more the extended family members and less the children. Average household size for native-headed households was 2.43 persons and for foreign-headed 2.67 persons. More than a quarter of the members of immigrant-headed families were born in the United States. About 62% of children of immigrant-headed families were born in the United States, as were 22% of the spouses, 24% of the other relatives, and 35% of the non-relatives.

When we look at the schools themselves, we find that **a little more than a quarter of the city's public school children--27.2%--came from households that were headed by an immigrant.** Of those children, more than half were born in the United States. Puerto Ricans are not immigrants, but we did do a birthplace analysis for Puerto Rican children that was similar to the one for immigrant children. **And we found that in addition to the 273,000 children of immigrant families in the public schools, the schools are also educating 174,000 children whose parents were born in Puerto Rico, bringing to a total of nearly 450,000 the number of children whose parents' native language and culture was not English.**

In New York City in 1980, there were 215,000 children under the age of 20 who were born outside of the United States. In addition they have twice as many siblings in the same family who were born in the United States. So that brings your numbers up three times as high. As to undocumented aliens, there's no way of estimating that, and the schools most laudably don't try to estimate that and neither do we.

GARY RUBIN: The American Jewish Committee is one of the groups in American society and in New York City which really does appreciate the importance of immigration, to our schools and to our society. Immigrants do bring problems to the society and to the schools, but they also bring opportunities. **As we think of immigrants, we shouldn't think primarily in terms of problems, I think we should think primarily in terms of vitality, of dynamism, of renewal.** And that's especially true in New York City, where our public schools have traditionally been identified as those vehicles which have served immigrants, which have been renewed by immigrants. This is not just a philosophical point.

I think that there are specific opportunities to point to, specific gains to point to, which can only come by encouraging immigrants in the schools, by having immigrants in the schools. Immigrants obviously bring into the schools a large degree of cultural diversity. The schools would be poorer were it not for that cultural diversity. They also bring to the schools a real appreciation of what the schools in the larger American society are all about. Immigrants in many cases have suffered real political oppression. In other cases they've suffered financial and economic deprivation. Often American children know about these things only by reading or only by lessons in the schools. It's important for them to come into contact with people who really do appreciate the economic opportunity here and the political freedom here because they have themselves experienced the opposite.

I think there is a more controversial area but still important to note. Immigrants bring different languages into the schools. And my experience of going around the country speaking about immigration is that language is often the most emotional issue that comes up and the most difficult to deal with. And I think that it ought to be said right out, because hardly anybody I've ever met disagrees with it, that **it's critical to teach English to immigrant children and to do it in an effective way to allow them to function in the society. But I think that it's also important for us to see the languages that immigrant children bring into the schools as a precious resource that this society needs.** America is about the poorest language country in the Western world. We really suffer in comparison with Europe, in comparison with Latin America. We rightfully pour money into teaching foreign languages to students but, at the same time, we should take advantage of the resources which immigrant children bring into the schools in terms of their language capacity.

Finally, immigrant children bring a certain amount of maturity into the schools that I think is positive and is not attainable by other means. They are often the guides for their parents. They adjust faster; they translate for their parents; they teach their parents about culture in the United States. They are forced to mature quicker, to work harder in this society, and that maturity and that hard work are positive in the schools and should be encouraged.

It's often true that the problems that we see in immigrant education are the short-term problems and the visible ones. We can see overcrowding in the schools. We can see difficulty in teaching certain things. It's often harder to see things like appreciation for American freedom and American opportunity, to see things like language resources as positive. They may be more long-term and harder things to see, but they are not less important. Problems exist with immigrants in the schools. We have to identify them and we have to solve them, but we have to identify and solve them within a context that immigration is good for the United States, is good for the schools.

PANEL MEMBER: What we are finding here in the city is that many children are illiterate in their own language.

GARY RUBIN: I think that's an important point. However, illiteracy means several things. It doesn't mean total lack of familiarity with a language. Illiteracy is usually defined as the inability to read. Immigrants are not illiterate in terms of their ability to speak. The point is that they do come in with a language base which can be built upon.

PEDRO RODRIGUEZ: I want to thank you for giving me the opportunity to share with you my experiences and particularly my concerns for Central American immigrants. These immigrants, like immigrants from other countries, have to deal with the numerous demands of adjusting to a new language, to finding housing, work, schools, health services. However, in addition, many Central Americans come to the United States bearing the physical and emotional burden of their experience of war, of political violence, institutionalized repression and, more recently, the experience of natural disasters like earthquakes. These experiences necessarily will affect the way they adapt to the new life.

I want to mention briefly my experience as a psychiatrist following a small number of Salvadoran children in their adjustment to the United States. This is a group of 15 children, all of them belonging to "illegal" families, their ages ranging from 3 to 15 years. The length of time they have been in the United States ranges from 3 months to 5 years. And all of these children have experienced the disappearance of a relative or killing of a relative. Their families had little time to organize for the trip to the United States. Some of these children also experienced the temporary disappearance and torture of their father. These children also have seen mutilated corpses lying on the streets of El Salvador and have heard the aerial bombing of a neighboring town - all the kinds of events related to the war in El Salvador. This small study, which looked at the adaptation of these 15 children to the United States, was basically done with a psychiatric evaluation which included asking the children to play and to draw their memories about the war. Information was also obtained from the teachers and from the parents. Our study identified two types of children. The first group were those children who were, from the cognitive and socialization points of view, making satisfactory adjustments. However, they were described by the teachers and the parents (and also we found in the interviews) as being depressed and being anxious.

The other group of children that we identified in our study were the ones who were really having problems adjusting to school. There were also behavioral problems at home. The only difference between these two groups, since all of them have been exposed to trauma in El Salvador, was in terms of family support. We believe that family support certainly can make a difference in terms of the prognosis for these children. Children from families which became disintegrated when they moved to the United States and became ineffective in terms of providing emotional support to the children were more disturbed, presenting poor adjustment in school and also at home. Children who had the support of the family in general continued developing from the cognitive point of view and socialization.

It's important to point out that among these two groups there were some common findings. One is that the children in both groups were described as being depressed. They also presented symptoms of anxiety. It was interesting to see how a three-year-old child had difficulties in separating from the parents and, even to go to the bathroom, had to ask the parents to go with him. In the same way, adolescents, even when they were well-functioning, had phobias. They needed to sleep with the lights on. They were afraid of the dark; they were afraid of being alone. This was apparent even when they could function well at school and at home. **We think that the persistence of depression and anxiety in these children is due to a peculiar situation of the Central American immigrant, the condition of being "illegal."** This means that they could be identified, or they could be captured, and they could be sent back to their native countries where they will find again the same conditions of violence and repression. So because this condition is not settled, they are still afraid of going back. I think that is an important aspect of the depression.

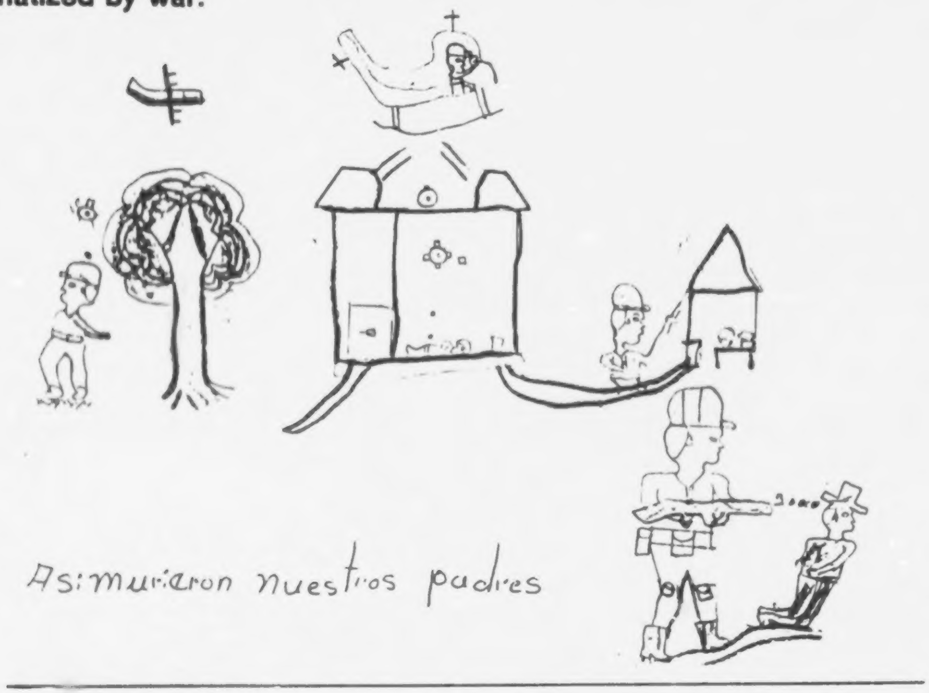
Immigrants have to accept losses--the loss of country, the loss of what they left behind, the loss of relatives. And this means that working out the mourning for country, and for what is left behind, is important because in a way it liberates the needed energy to adjust to a new life in this country. However, in the Central Americans that could not happen, because the parents of these children share the same fears, the same concerns. They are equally anxious, they are equally depressed. Therefore, they cannot protect the children against depression and anxiety.

As a part of the evaluation, we asked the children to make drawings of what they remember of the war in El Salvador. All of them initially said that they didn't remember anything, and they would draw something else. But after getting to know us, and getting to develop some trust in us, they drew very dramatic pictures of the war in El Salvador.

One of my recommendations is to ask you to help us -- to help this population -- to increase the awareness of this particular situation. This in a way is a political decision which is significantly affecting the mental health of this population. I think having some kind of permanent or even temporary status for these people will alleviate some of the problems. The other aspect is in terms of the mourning. I think, either at the level of the school or other programs integrated with the school, the children need to be helped to go through the mourning process. We must also help the parents become more comfortable and more knowledgeable about the school system, because this will increase their capacity to adjust to the new environment. It will bring some kind of clarity and some kind of security to these unknown situations. Being "illegal," these immigrant families won't go and look for the appropriate services or they won't use even the limited services available to them precisely because of this fear.

HERMAN MONTOYA: We all know the suffering of the adult immigrant, and a lot of attention has been placed on their plight. But the small ones, the children, oftentimes their suffering has been taken for granted. Many of us here know that to migrate is not an easy or a pleasant experience, and it is much more difficult when one leaves the homeland under the pressures of war and famine.

The trauma of having your home destroyed, your parents killed in front of you, your family torn apart is a consideration that should be taken into account by teachers and school counselors when dealing with children from these countries, the war-torn countries. And it is my interest to discuss that plight of the Central American children who often come to New York traumatized by war.



"This is how our parents died."

According to the statistics, there are 100,000 Salvadorans in the New York area. Many of these are children of school age. Are they illegal aliens or political refugees? Are they escaping from economic hardship or political persecution? Whatever your answer or my answer is, the fact is that they are here and many of them need education and psychological care. It is their human right. The trauma of the war they left behind is still with them. **Policymakers must keep in mind that the children of El Salvador living in New York City need more than a bilingual education. Their mental health needs should not be taken for granted. They came looking for a better future and in the land of opportunity they should and must have one.**

MONICA GORDON: My comments are with specific reference to immigrants from the English-speaking Caribbean. I'd just like to give a very brief profile of this population I'm talking about. Much of this comes from the 1980 census. In terms of numbers, from the Caribbean Islands themselves, there are 378,906. From Guyana, in South America, there are 48,608, and from Belize, 14,436. Jamaica has the largest number of immigrants - 196,811. The vast majority of these immigrants arrived in the United States after 1960. Women are the majority; the ratio is about 85.6 men to 100 women. On the average, 10% of this population is under 15 years old and, of course, this does not include the children of the immigrants who are born in the United States. For those over 25 years of age, about 60% have high school diplomas, and another 13% or so have college or above. Median household income is somewhere around $14,000.00 to $15,000.00.

Since the majority of these immigrants arrived under the aegis of the 1965 immigration laws, you know that employment has been a significant factor in their arrival. The additional category from which immigrants have been selected is the provision for dependents - spouses, children, parents. The primary immigrants had varying labor force classifications. There were the professionals; there were the skilled to the unskilled workers. The New York metropolitan area has been the primary recipient of the majority of these immigrants. This means that while the city was meeting its labor force need, it was confronted with the new problem of facilitating the dependent children of the immigrants. Adults usually have very specific goals and expectations when they migrate. While the bottom line is most frequently economic opportunities for themselves, the expectations for better opportunities extend to their children.

Among the immigrants from the Caribbean region, the educational level of about 30% of the population falls below the high school level. I see this as the "at risk" sector in the context of successfully integrating their children into the society and guiding them through the educational process. These are the immigrants who are least likely to have much understanding of the educational organization in their own countries. They are the ones who are more likely to have children whose educational achievements do not equate the age/grade levels in the United States system. And these parents are most likely to be employed in areas where they are unlikely to have an informal network where information flows about school systems. Also, they are least likely to have the knowledge and the confidence to confront and demand information from official sources.

The children who successfully negotiate the system tend to be those who have a good enough background in their home countries. Those who enter the system at an early stage here are the ones who are failing. Now, the parents are concerned. Education is highly valued among the people from the English-speaking Caribbean. But there is a necessity for programs that will address the specific needs of these groups. Among those needs is language. I'm singling this one because the English-speaking Caribbean is, in many instances, a misnomer. The language is a Creole variation which is often not understood by the educators. Because immigrants tend to cluster in certain areas, the schools are often burdened with large numbers of immigrant students. This reinforces resistance to the social and cultural norms of the host countries and retards the educational process of these students who enter the system with educational deficiencies. Clearly, corrective measures are necessary.

The educational system in the United States is essentially a middle class system. The middle class child can go through the system without any real difficulties. Special populations need the extra cultural supports to give them a sense of continuity, legitimacy, and validate the whole educational process.

PANEL MEMBER: Dr. Gordon, my question to you as one who has come from the English-speaking Caribbean is, is not the possession or knowledge of English a disadvantage, in a sense, to the English-speaking Caribbean child? On the one hand, he does not qualify for linguistic help in terms of bilingual education because he speaks English but, on the other hand, he speaks an English which is not acceptable as a means of communication. How do you see the English-speaking Caribbean child as overcoming that sort of being a victim of a certain success?

MONICA GORDON: I am one who advocates the understanding and the speaking of a standard language, and for the English Caribbean students that's going to be English. At the same time, I think it is essential that the oral language -- it's mostly oral at this stage - be understood and incorporated as a part of the educational process of these children. **Language can exalt as well as it can deflate or debase. What the language of the English-speaking Caribbean child does at this time is to create self-consciousness.** I mean, "Where did you get that accent from? What language do you speak?" They're supposed to speak English; they come from English-speaking countries. But the fact is that the vast majority of the population does not speak standard English. Within the New York City population, there are adequate resources to draw on to create instructional material that can aid the system in helping the student to acquire the standard language.

ARTHUR HELTON: I'm an immigration and human rights lawyer, formerly chair of the Immigration and Nationality Committee of the Association of the Bar of the City of New York and currently Director of the Political Asylum Project of the Lawyers' Committee for Human Rights. I currently teach immigration law at the New York University School of Law. The subject I would like to discuss are provisions under the new immigration legislation, the Immigration Reform and Control Act of 1986. The Immigration Reform and Control Act of 1986 includes many ominous suggestions, such as a required survey ... to enable the Defense Department to identify areas and locations for the detention of aliens in the United States.

Today, I will devote myself to those aspects of the law that seem most pertinent in terms of the hearing and that have been the subject of substantial public discussion: employer sanctions, discrimination, legalization including special provisions respecting seasonal agricultural workers.

In terms of employer sanctions, this act has made it unlawful to knowingly hire, recruit, or refer for hire any alien not authorized to work by the immigration authorities. Sanctions do not apply now to employment which was initiated prior to enactment of the statute, the so-called "grandfather clause." There is a verification requirement imposed on employers, and essentially there must be documents which both verify the identity of the individual and the legal status or certain enumerated documents which verify the right to work but not identity, with separate documents to be reviewed by the employer for purposes of verifying identity. An individual may furnish a U. S. passport, unexpired foreign passport with work authorization stamped into it, certificate of U. S. citizenship or naturalization, or alien resident or registration card determined by the authorities to be acceptable to meet both of those qualifications. Otherwise, an individual may provide a Social Security card, a U. S. birth certificate or another designated document determined to be acceptable and one document establishing identity, such as a driver's license or other state-issued identification document determined to be acceptable by the authorities. Much still has to be established under the employer sanctions provisions respecting sanctions violations. Procedures still must be established and an agency unit designated to prosecute alleged violations. The statute does, however, provide for hearings on contested violations with appropriate appeal to the federal courts. In terms of penalties for a first infraction, civil penalties can run from $250.00 to $2,000.00 per alien per offense; second infraction - $2,000.00 to $5,000.00 per alien for the second offense; third offense - $3,000.00 to $10,000.00. There may also be civil penalties imposed for failing to maintain the documentation employers are required to maintain and, under certain circumstances, criminal penalties for a pattern of practice violations may be levied--$3,000.00 per alien or six months imprisonment for violation. As it stands now, there is a one year notice and citation period for a first offender following a six-month education period for employers, during which time no penalty shall apply. Following the receipt of a citation, however, an employer is subject to civil penalties even though the citation period itself has not yet expired.

There is an anti-discrimination provision which, with certain exceptions, makes it an unfair immigration-related employment practice to discriminate against any individual because of national origin or citizenship status of any citizen or intended citizen. Charges in writing can be filed by an immigration officer or an affected person, and there's an appropriate administrative and judicial hearing mechanism. In terms of the questions that I think remain unanswered in this provision respecting employer sanctions, first we have to ask whether sufficient resources will be made available by the federal government to implement the sanctions provision through appropriate educational efforts. Second, will the documentary verification system lead ultimately to a national identity card with attendant loss of privacy, a matter of concern to civil libertarians? Third, will the anti-discrimination provision be sufficient to prevent or rectify discrimination by employers in refusing to hire foreign-born looking Americans on the theory that employers will engage in such practices in order to avoid the costs imposed by sanctions? Fourth, is intentional discrimination required in pattern of practice violations--already a matter of some dispute between the Administration and the Congressional framers of the action? Last, what is the role of state and local government in this provision? That's a question I would ask both with respect to employer sanctions, as well as with the legalization provision.

Very briefly, in terms of legalization, it is now possible under the terms of the act for an alien who can show that he has entered the United States before January 1, 1982--("entered" is a technical term which will exclude from coverage a number of people) and can show continuous residence in the United States since that date in an unlawful status to obtain legal status. There are a number of issues regarding proof that will have to be utilized to determine whether somebody has been present in the United States for the requisite period of time. There will ultimately be adjustment to permanent residence possible after temporary residence under legalization. Under the permanent residence provision, people will have to demonstrate a minimal understanding of English. There's a special provision for Cubans and Haitians who have not yet entered the United States, and those who have, as long as they are in Cuban-Haitian entrant status or have records in the agency that existed prior to January 1, 1982.

PANEL MEMBER: Mr. Helton, we do know that the new legislation will provide legal status to many people. Yet it seems there's going to be a majority that do not qualify. We wonder what's going to happen to parents of children who came here after January 1, 1982, whose status is still in limbo? We know that INS has more resources now to somehow seek these people and deport them. What do you think is going to happen, and can be done, maybe, to alleviate that problem?

ARTHUR HELTON: There will be a new focus on enforcement for those people who fall outside the terms of the offer of amnesty. I think you will see stepped-up enforcement activities, you will see factory raids, field sweeps. You will see things of that character. Bear in mind there has been a survey of available detention space in the Department of Defense facilities. Civil libertarians or other groups will have to remain ever-vigilant to make sure that the rights of those who are subjected to those tactics and techniques will be vindicated.

PANEL MEMBER: What you describe in terms of the immigrants who are beyond the pale of that amnesty suggests from the standpoint of the children that one of the things they must learn from this heightened pressure through employers and through the INS in general is that they must exist and survive through increased deception and subterfuge. This is a terrible lesson for children to learn. As a lifelong educator, my concern is , what can be done, what can be done to turn around this terrible law, this terrible increased threat to the sanity and survival of children?

ARTHUR HELTON: Well, I think if you talk to people in Washington, particularly the authors of this legislation, they think they solved the problem and they have a pretty good idea here, as far as they're concerned. But I don't think they appreciate the consequences of such a legislative approach, and I think it's incumbent upon groups or collections of citizens such as this to bring forcefully to the attention of Congress the unanticipated and harsh consequences of this legislation.

PANEL MEMBER: Yes, I think because so many people will be left out of the legalization program. New York City especially has such a large population of new immigrants. I guess you're saying that puts a new challenge before cities and states. What do you think is the response that is needed for New York City in light of this new legislation?

ARTHUR HELTON: Well, I think there should be inter-agency task forces, citizens' advisory groups, marshalling of resources and approaches taken by both local and state government, to make sure that appropriate educational activities are undertaken to supplement those that are required to be undertaken by the federal authorities to implement this law. I would focus state and local efforts on education and ensuring that the citizens of the city and state are not discriminated against or otherwise suffer under the terms of this legislation.

ALLAN WERNICK: The foreign born have clearly suffered over the last six years under the most repressive Administration since the McCarthy era. Our particular Administration has brought not only the Immigration Reform and Control Act of 1986 and related legislation, but such barbarous activities as the intervention on the high seas of asylum-seekers coming to the United States. We can see clearly that immigrants are in for a very difficult time in the next couple of years.

For this particularly disenfranchised group, the importance of their understanding their rights and benefits is essential if they're going to participate in things like public education. If parents are going to be active in Parent Teacher Associations, if they're going to come to the schools, if they're going to send their children to the schools, they have to be aware of the rights and benefits available to them. And despite the fact that it's unquestionably clear, after the Supreme Court ruling in the famous Texas case ensuring the right of school-age children to attend public schools, and despite the 1979 statement by the Chancellor on the policy of the city schools towards immigrant children, I still get calls on a routine basis from people who advocate on behalf of immigrants and from immigrant families themselves about whether their children have a right to public schools. The information is not out in the community.

Also, if people are not sleeping well and are not eating well, they're not going to be studying well. There are benefits that are available to the undocumented, to asylees and refugees, to permanent residents, that they're afraid to apply for, that they don't understand their eligibility for, and we need to ensure that they understand that, and the city school system can play a role in that. And there are many people who can become permanent residents, become legalized; they can become United States citizens, and they don't know it. And if the city schools can participate in a program where these people who are eligible for these benefits learn about their eligibility and then can take advantage of them, it'll be doing a tremendous service.

What I propose is a two-part program. The first part of this program would be a public education program. This would be directed to areas of high immigrant concentration and it would be directed to the parents and students and it would have three components. It would educate people of the right of the undocumented to attend the public schools. It would educate people of the right of undocumented students and their parents to fully participate in school activities without fear that information about them will be forwarded by school officials to the INS. I know that is already the policy of the city schools. The question is, do the parents and the students understand that policy? And it would educate the people on the availability of free and low-cost legal and social services.

Then I propose a second program, an internal education program. In this program, the Board of Education would develop a comprehensive training program for guidance counselors and other school personnel in areas of high concentration of immigrants, and this training would include the following areas: the categories of aliens in the United States and the respective rights and responsibilities. When I say categories of aliens, I mean permanent residents, asylees, Cuban-Haitian entrants, undocumented. Second, the eligibility for permanent residence, legalization, and citizenship. Third, the public benefits to which the various categories of aliens are entitled. And finally, the agencies to which aliens can be referred to obtain legal and other services. So the idea would be that key personnel in the city school system would have a high level of understanding of at least the basic, fundamental areas of immigration law and procedures and the availability of public benefits, so they could advise students and parents.

Now this program may seem an overly-ambitious and expensive program. It is not. There are training materials available; there are training programs in existence; there are people from the city schools and other city agencies who have attended courses that I've taught. I also know that from my experience teaching at Hostos Community College, where we have an introductory program, and some of my students are already providing services as counselor volunteers in community agencies. The only question is whether there's the will and the initiative that can be taken by our civic leaders to implement such a program. The programs and materials are already available to implement.

PANEL MEMBER: Allan, you brought up a very interesting point about the right of the undocumented alien to attend public schools. I'd like to find out from the Chancellor if there is in fact a written state policy that undocumented aliens have a right to public school education? And if so, if that has in fact been disseminated to educators? I have received calls from parents who say that they have to bring in a green card or something like that if they want their children registered.

CHANCELLOR NATHAN QUINONES: **It is a long-standing policy of the Board of Education that we are not agents of the Department of Immigration and that children, regardless of their status in this city, have every right to a free public education, and that it is not the obligation nor the responsibility of any school official to ask for information regarding the legal or illegal status of parents.**

The point made by Mr. Wernick is that indeed not enough of that information has been disseminated and that, in some instances, both school officials, as well as parents, might not be clear as to what the policy of the Board is. I think that we have to give a very clear message (let me at least speak for myself) that we are not arms of enacting this law. We are not the enactors of it and we are not the agents of the federal government in carrying it out.

PANEL MEMBER: Allan, I would like to ask you your perception of the availability and accessibility of English language and adult literacy classes to the population that you're in touch with and whether the new law will in any way affect the demand for these services.

ALLAN WERNICK: Even without the new law there's been a terrible oversubscription to the programs that I'm familiar with, of people who desire to learn English, either because they want to become United States citizens or, because just as a matter of general practice, they want to learn English so they can participate better in American society. Under the new law, in order to be legalized and a permanent resident of the United States, a person is going to have to meet what are now the qualifications for citizenship. They have to read, write and speak English, and they must know such things as the history of the government of the United States and who the mayor and governor are. If they are not able to do that, they may be eligible for legalization anyway if they're in a program recognized by the Immigration Service to provide that kind of education. If they're in the process of that program of studying to learn English and learn civic knowledge, then they'll qualify for permanent residence. It's going to be extremely important that these kinds of efforts expand and be strengthened in a city like New York where there are so many people, so many different languages.

GARTH ALPERSTEIN: My name is Garth Alperstein and I'm a pediatrician. I'm sad to say that our knowledge of the health status of immigrant children is sadly lacking. There is practically none. There are a handful of clinical studies that are poorly done with very small numbers. And from those studies we know that the types of diseases that are prevalent in the countries from which these children come tend to be the diseases that have been found in these children - namely malnutrition, anemia, dental caries, communicable diseases, very high incidence of parasites, tuberculosis, and untreated ear infections that have resulted in deafness. And when the children are here, there are some studies to suggest by inference that there's a higher infant mortality rate amongst immigrant children than the general population. And, furthermore, once they get here, there are learning problems, school problems, being misplaced into special education and then developing psychological problems because of inappropriate placements, mainly because of the language problem.

An even higher risk group than just immigrant children are the undocumented immigrant children, of which I can more or less safely say we know nothing. The reasons for this are obvious. They have to live in a very clandestine fashion, and so it's impossible to get to these people to find out any information. We do know that a lot of these children are from countries where there's a high prevalence of communicable diseases and a very low immunization rate, which in this country is going to present a major public health risk.

I cannot speak from any scientific data or clinical studies, but I can present to you a few anecdotes from my personal experience and that of my colleagues. **We have seen children eight, nine, ten years old who've been brought in for whatever reason to a clinic and we've discovered aren't in school. And they aren't in school because the parents are afraid that they'll be reported to the INS. We've seen children who are sent by the school at the age of six when they've gone to register who've lived here for five years but haven't had one immunization. For fear of being reported to the INS and also because they have no money, parents do not bring their children.** The majority of them, if they can get a job, are working for less than minimum wage. **We've seen kids brought into the emergency room in advanced stages of diseases, requiring hospital admission, going home with a bill of $10,000 from the hospital for a disease that, if treated a week earlier, could have been cured with an $8.00 antibiotic.** And despite the fact that babies born to undocumented immigrants in the United States are eligible for Medicaid and therefore can get health services, parents are still too afraid to apply for fear of being traced by the INS through their child.

KAREN SHAW KERPEN: I would like to make two basic points related to the work that the Refugee Act of 1980 has provided. When it was passed it was a recognition by the United States Congress that the uprootedness of refugees in the world is a chronic international problem, one that is not acute and not solely traceable to a single war or to a single domestic or civil upheaval, but one that will affect millions of people in the world for years to come. Since 1980 the situation that the Congressional declarers found has been proved.

There are currently an estimated 10 million refugees in the world, most of whom are women and children, primarily from impoverished nations in the Third World, in Asia, Central America, the Middle East, and Africa. They're uprooted by civil strife, domestic turmoil, and the economic fallout that those kinds of interventions create. The Refugee Act established an obligation by this government and structures to admit up to 60-70,000 refugees into the United States each year, recognizing that planned, thoughtful approaches to resettlement -- taking people from the refugee camps who are preparing to come here up through the first three years of resettlement in this country -- have to be done in order to ensure the long-term integration of refugee families and children.

Refugees are defined as people who cannot stay or live or return to their homeland due to a well-founded fear of persecution. They do not necessarily want to leave their homeland, nor necessarily come here on a permanent basis. Unlike many immigrants, they have no frame of reference here -- common networks or family members -- and may rely upon surrogates such as their sponsors or refugee-specific agencies that help them until their own supports can be developed. The refugee agencies that were established by the Refugee Act are developing a practice history in terms of how to consciously support and promote adaptation. We've found that sensitivity to the culture, offering services related to the immediate problems of adjustment, such as education, language, searching for jobs, training provided in a community-based setting that's accessible to the refugee population and staffed by individuals who are familiar with the refugee experience can make a positive difference in the adaptation of refugee families and children.

The agencies involved in the refugee assistance program network make a deliberate attempt to inform the communities and everyone who is involved in the resettlement of refugees in terms of their immediate and long-term adaptation about the refugee experience. We do as much as we can to keep family integrity intact and to try to hook up possibly distant family members into a family that will create the kinds of strengths that people need who are making this kind of resettlement. We provide special funds to help refugee children in the schools through English as a second language, counselors, interpreters, paraprofessionals who speak their languages and address the special circumstances that refugees bring with them. We have agencies that reinforce the refugee children's desire to learn to achieve, to accomplish, to make a positive impact on this new environment. And the agencies that we're working with actively advocate for refugee children in the schools. We also support organizations that appreciate and celebrate and validate the traditional cultures, and that bridge the traditional culture with new culture, so that they can get out into the mainstream agencies and advocate for the refugees, and they go into the schools. Orientation to the culture is provided to refugees who are coming here and also orientation of the community to understand what the refugees experience.

I think that what the refugee agencies have learned in the six years of the history of the Refugee Act can be seen as a model, because it is an example of what consciously planned political decisions on behalf of newcomers to the country can mean, and that the practices and techniques that the agencies working with refugees have developed can also possibly be extended. There should be more exchange between the immigrant communities who are resettling.

Finally, I would like to reinforce what has been said here in terms of training and to say that professional curricula for all of those who are involved in educating or building or helping or doing any kind of contact with refugee children, that those curricula ought to be expanded to include a much broader awareness of the internal networks of other agencies, of other nations, particularly those of the sending countries: a much deeper understanding of what traditional cultures mean, the power they retain over peoples wherever they are, and how those traditional cultures or values can help determine the ways adaptation to a new environment occurs; what acute and chronic psychological and social traumas occur to human beings who are terrorized, forcibly uprooted, and forced to flee their homeland; what the consequences of intervention in another country truly mean here to citizens and those who are arriving; what the processes of adaptation are and how they can be influenced and directed; the profound role that families and kinship play in many of the nations and cultures that are coming here; and what the absence or the death or the separation from the family network truly means in terms of refugee children.

I think that schools, from pre-school through college, should have an interdisciplinary staff available to help immigrant and refugee children by transmitting what is known about the situations in the countries of origin, as a way of smoothing the overall integration of refugee children. And lastly, I think that we ought to consider what it is that the children are being educated for. And isn't it possible to take their witness, their testimony, their experiences of intervention and civil strife and civil upheaval, and change those factors that created their status, and to help people who don't often believe what really goes on in other countries, but who could become consciously able to change those factors once they did become aware?

MAY YING CHEN: Thank you for the opportunity to speak on the problems of Chinese immigrant families. As a trade unionist, I'm all too familiar with the economic problems of our union members and their families. As a former teacher and educator, I will testify to the obvious impact this economic condition has had on the educational aspirations of this population.

Local 23-25 is the largest local of the International Ladies Garment Workers Union (ILGWU) and we estimate among our membership about 20,000 Chinese immigrants. Recent studies of our health benefits show the largest proportion of members of childbearing age. One of the major issues to confront us in recent years was our members' concern and demand for more adequate daycare services. Cooperating with city government and the garment employers' associations, we were able to establish the Garment Industry Daycare Center in Chinatown which services 70 pre-school children and has become a model of union-employer-city cooperation. This center, however, barely scratches the surface of our needs. With so many households where all the adult members work, daycare and after school services are a must.

Jobs in the garment industry, even with the union contract and benefits, are not well paid. Seasonal unemployment has become commonplace. Two years ago, the union imposed a minimum earnings level of $4,400 per year in order for members to qualify for full health coverage. While most of our members were able to earn the required $4,400, we actually found members who did not make the minimum due to unemployment and other problems. Meanwhile, rents for new immigrant families have skyrocketed, and an illegal practice of collecting so-called key money--that is, a lump sum cash payment of hundreds or even thousands of dollars for the key to a Chinatown apartment--creates a heavy economic burden. For the first three years in this country, new immigrants are barred from receiving public assistance, and those families wishing to sponsor other relatives to immigrate must show the financial means to support these newcomers. Thus, on the whole, the Chinese community avoids government assistance which places tremendous pressure on all family members to work as soon as they can.

What is the impact of these economic conditions on the educational goals of the Chinese family? First of all, the young adult is often forced to choose between going to school or working full time. Many Asian young people who enroll in college also work, some even full time. Some high school students work at night or on weekends. Obviously the demands of work cut into study time or concentration for school. We have many young women in the union, age 18, 19, or in their 20s, who work full time in the garment factories and go to night school. Some young adults give up on school altogether. The economic pressure is too great, and it takes too long to finish a college education in night school. In spite of this, the value our community attaches to education is very, very high. The free public educational system of America is, without a doubt, one of the main factors bringing Asian immigrants to this country. Some immigrant parents give up professional jobs in their home countries in order to bring their children to America. High hopes and expectations are placed on the children by these parents.

At quite an early age, Chinese children serve as interpreters for their parents and help their families confront many adult tasks. For example, if their tenement has no heat in the winter, the schoolchild who knows English might be the one to place a telephone call to Central Complaint. Families are not always as close-knit as before, since men work night shifts and weekends while women work full-time in garment factories, often until 7 or 8 p.m. Immigrant children face much more responsibility and pressure than the average American schoolchild. There are cultural conflicts and misconceptions about the American school system. Speaking little English, parents do not understand how the schools work and cannot help their children with schoolwork or school problems. Sometimes school personnel mistake this communication gap for ignorance or apathy. In these situations, Asian parents have to overcome barriers of insensitivity or even racism in order to make their needs known. There's an urgent need for bilingual, bicultural staff and strong parent-teacher associations for Asian families.

The union runs an extensive program in English as a second language, training for U.S. citizenship, and basic education for union members and their families in the evenings after work. The ILGWU is an active participant in the New York City Board of Education's Worker Literacy Consortium. In Chinatown these classes serve more than 600 adult students each year. There are many newcomers who never had any exposure to the English language before arriving in America. This applies to children and adults. The Chinese language has no alphabet and is not phonetic. Learning the alphabet and sounds of English is totally new. There are special needs that demand bilingual, bicultural education which allows for the use of native language in the classroom. There is a severe shortage of trained bilingual teachers and school counselors to meet the needs of the increasing school population of Asian children. We also need more and better teaching materials that address the cultures and history of Asian people. From daycare up to adult school, more teachers, more counselors, more curriculum specialists are needed. Job training and survival skills are important to immigrant families and children. As mentioned before, children often help their families deal with real world problems.

The educational system must provide some practical solutions to the many problems faced by newcomers to the complexities of life in New York. There must be a stronger Asian component in multicultural education in order to combat stereotypes of Asians in schools and to reinforce a better self-image among Asian children. Even today in New York City, average schoolchildren learn nothing about the culture, role and contributions of Asians in America. They are lucky to learn something about Japan, China, Korea and the Philippines other than the bombing of Pearl Harbor. Adult education in English, basic education and U.S. citizenship is very important to reach parents of immigrant children and help them contribute to their childrens' schooling. While I support strong English programs for immigrant adults, I strongly oppose the English Only movement that took root in California and threatens to destroy the few fragile multicultural bilingual education programs we have today. Just imagine how powerless and helpless an American child would feel taking Chinese from an instructor who knew no English and only Chinese.

Unfortunately, many of the things I've said are easily said and difficult to accomplish because of the anti-immigrant climate of today. The right wing has made immigrants scapegoats for many economic problems, for stealing jobs, services and benefits of Americans. **What Americans must recall and reaffirm are the historical contributions and indispensability of immigrants to this society.**

PROBLEM AREAS

> **"You're dealing with refugees who are coming from many countries. We're talking about Indians who are suffering in some cases religious persecution and that's why they are leaving; we're talking about Africans who because of religious persecution, or because of national differences in the division of countries, are leaving or moving; we're talking about Central Americans who are leaving totalitarian governments and/or persecution; and we're talking about people who are leaving Communist countries. They've been hurt; they're scarred and have special needs."**
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> **Panel Member**

In this section, we include testimonies that focus on the special problem areas of immigrant children in the New York City school system - in particular, bilingual education and special education.

Nilda Soto-Ruiz, Director, Office of Bilingual Education, observes that nearly 100,000 students are eligible for limited English proficiency (LEP) classes but that only some 60,000 students are currently enrolled in such classes. Put simply, "We do have many youngsters who are not receiving mandated services at the present time." She underscores the dire need for bilingual teachers, as well as the problems with assessing and instructing students who are illiterate in their native language. Robin Willner, representing the Educational Priorities Panel, faults the school system for improperly using funds earmarked for bilingual education and failing to comply with statutory requirements relating to LEP students. Dr. Ana Rosel, Office of Bilingual Services, Division of Special Education, Board of Education, emphasizes the difficulties special educators face in meeting the individual needs of immigrant children: "The literature in special education or bilingual education, for example, makes very few explicit references to limited English proficient handicapped students who are immigrants. This means that the guidelines for practitioners are almost non-existent." Roger Juan Maldonado, one of several attorneys representing plaintiffs in the Jose P. lawsuit, puts special stress on the "acute shortage of bilingual clinicians to evaluate children and bilingual teachers to service children who have been recommended for placement in the bilingual special education programs." Moreover, he charges that the waiting period for special education assessment often extends far beyond what is legally permissible and that the legally stipulated assessment procedures are "frequently not followed."

Finally, Archer Dong, the principal of Intermediate School 131, provides a unique insider's view of the "nitty gritty" of administering a school with an overwhelmingly immigrant student population.

EDDY BAYARDELLE: Whether special education is centralized or decentralized, I think the issue of assessment remains the same. What you need are folks who can be in a building with the kids, with the teachers, and do the assessment there. Assessments cannot be done outside the classrooms; they cannot be done outside the school. We know we have a shortage of personnel, especially bilingual diagnosticians, and to have them floating across districts is not going to do it. We need to spend time observing the kids. Now, we know what we need to do; however, I'm not certain we want to put the money there. Observations cost a lot of money. You have to go into classrooms and conduct two, three, four observations. We say we don't have the money to do it. Then the consequences are that you are assessing the wrong kids; you're placing the wrong kids. What you need is more personnel, you need to do more planning, and you need to look critically at the instruments that you use.

PANEL MEMBER: Do you see a high correlation or high placement of immigrant students in special education?

EDDY BAYARDELLE: If you begin to look at the ethnic breakdown of the city and look at the kids who are in special education, most of them are minority kids. And if you begin to look at language minority students, you will find a high percentage there. For instance, there was a time in the city that you had a classification for what was called the language and hearing impaired and 65 to 70% of the kids in this program were Hispanics.

PANEL MEMBER: You're dealing with refugees who are coming from many countries. We're talking about Indians who are suffering in some cases religious persecution and that's why they are leaving; we're talking about Africans who, because of religious persecution or because of national differences in the division of countries, are leaving or moving; we're talking about Central Americans who are leaving totalitarian governments and/or persecution; and we're talking about people who are leaving Communist countries. They've been hurt; they're scarred and have special needs. If the teachers do not understand some of the reasons that brought them here and what they have gone through, they will classify them as special education or problems and that's the end of it. My suggestion is that there be some kind of training or information available especially to teachers who are dealing with many of these children, so that they will have a background as to where many of these children are coming from, what is hurting them or causing learning problems.

EDDY BAYARDELLE: I think you're absolutely right. But let's go back to the issue of training. Training as implemented and what ought to be are two different things. The Board of Examiners requires six credits of special education which would then make teachers and principals aware, knowledgeable and skilled in this area. There is nothing that says six credits will do it. Furthermore, you can take three credits at Bentley College (Introduction to Special Ed), three credits at Fordham (Overview of Special Ed), both with the same content, and that's your six credits. Training has to be planned and well implemented.

PANEL MEMBER: I have to support my colleague here, in terms of the lack of training, and the way teachers are trained these days. Pre-service training as well as in-service training is woefully inadequate. As far as sensitizing teachers to the needs of these populations, I think it's non-existent. The Board of Education and the teacher training institutions bear a lot of responsibility for that insensitivity, and many teachers have to learn that by hard and bitter experience of dealing with these kids, along with the other problems they have to deal with in just managing their roles as teachers. I have to join him in a call for additional training to sensitize people to these problems.

ANA ROSEL: **The directory of languages spoken by students of limited English proficiency of New York State lists languages spoken by immigrant students or descendants from as many as 130 countries. The great majority of these languages and countries are represented in the New York City public school population.** We know, for example, that 35% of all the population in our schools are Hispanics, and that about 10% to 12% are students who come from many other countries, who don't speak English as a native language. The proportion in the Division of Special Education of linguistic minority students is consistent with this breakdown in the city. We know, for example, that about 35% to 45% of our students are immigrants or limited English proficient, even if they are not properly identified by testing procedures. The referral of students to special education classes includes a significant number of immigrant pupils. We are aware of that. I'm going to give you a brief background summarizing the status of special education in regards to immigrant students.

Special education is an area of great complexity. It is an educational discipline designed to meet the needs of individual students through the development and implementation of an individualized education program -- what we call the IEP. The provision of an educational program as mandated by the IEP is a difficult endeavor requiring the teacher to create a relevant teaching experience for each individual child. Given this requirement, it is even more difficult for special educators to meet the individual needs of children who are from different cultural and linguistic backgrounds or who may have just arrived in this country. The literature in special education or bilingual education, for example, makes very few explicit references to limited English proficient handicapped students who are immigrants. This means that guidelines for practitioners are almost non-existent. And until recently, the theoretical underpinnings of bilingual special education were derived from bilingual education or special education instead of from an interdisciplinary approach which combines both fields.

The present federal and state laws do not offer specific guidelines either with regard to the provision of educational services to immigrant students who are at the same time handicapped and limited in English proficiency. For example, New York City faces the difficult task of formulating procedures to implement the State Commissioner of Education's regulation concerning the identification of LEP students who may require bilingual services or any other type of specific services. The only means of identifying the LEP child proposed by the Commissioner's regulation is through the use of instruments to test language proficiency. The testing instruments were developed for use with the general education population and do not include immigrant students who come from English-speaking countries. The issue of dialectal English, for example, has not been addressed at the policy level.

The Division of Special Education is fully aware of the needs for a non-biased assessment process for all students suspected of having a handicapping condition. We are also aware of the large number of students who may exhibit language and cultural differences when undergoing an assessment. Therefore, we have committed ourselves to improving the quality of assessment and to standardizing the assessment procedures used throughout the city. To achieve this goal, a standard operating procedures manual has been written with the needs of the LEP child infused throughout the document. There is also a detailed section particularly devoted to the special needs of the LEP child suspected of having a handicapping condition and who may be a LEP or immigrant student.

I am going to make a brief review, a summary of the assessment process that occurs sequentially in each step, building in every one of the steps. For example, at the referral process, students thought to be educationally handicapped are referred to the Committee on the Handicapped, now Committee on Special Education. In the case of an immigrant student, we must ensure that a lack of English proficiency and/or cultural factors is not confused with a handicapping condition. At the referral stage, two basic questions must be answered by the clinicians. What is the language and/or cultural background of the parent? And what is the language and cultural background of the child? The answer to these questions will determine the guidelines to follow in the rest of the assessment process.

Before starting the evaluation process, parents must be fully informed of all the information relevant to it and of their due process rights. All explanations, notices and conferences throughout the assessment and teacher educational conferences must be in the parents' native language, except when it is not feasible to do so. The evaluation is made by the multidisciplinary team comprised of, at minimum, a social worker, a psychologist, and an educational evaluator fluent in the child's native language. This team is responsible for assessing a student's strengths and weaknesses in both languages. For the immigrant child, the team must conduct an in-depth assessment to respond to the question: Is a child handicapped? Or could the reasons for his/her difficulty be that he/she is still in the process of adjusting to a new social context or acquiring a second language? Or could the child be both handicapped and in the process of incorporating into the new culture? These questions are of the utmost importance because language and cultural barriers can affect the outcome of an evaluation. An observation in the classroom is mandatory and it is done by a clinician who is knowledgeable about the culture or the language of the child, whenever possible.

The money that came under the Federal Immigrants Assistance Projects has been a very good start in terms of making teachers and clinicians aware of many of the needs of the students and many of the problems that we have. We have trained, during two summers, about 500 teachers. This is not enough according to the large number of students who attend special education who come from immigrant families. We need help also in the area of personnel, recruitment, and training of administrators and supervisors and in the area of instruction.

PANEL MEMBER: In and around the city you are dealing with more than a hundred languages. How many working languages are you dealing with when you are presenting services in bilingual programs?

ANA ROSEL: We have requests annually on about 40 different languages. There is a large majority of Hispanics. The next major groups probably are the students who speak Haitian Creole, different dialects of Chinese, Italian, Greek, Asian languages and Indian languages. We now have a large number of Vietnamese and Korean students. We need more clinicians and more personnel, especially teachers, in those languages. One of the situations is that students come at different ages, and they reside in different areas of the city. Sometimes it's not possible to make up a class for special education of children with very specific handicapping conditions that should be grouped functionally with the same teacher and have the services of a teacher who speaks the language of the child.

ROGER JUAN MALDONADO: I submit to you that what you have just heard is an accurate representation of the theory of the evaluation and placement process of limited English proficient children in special education. The practice is far different.

The Division of Special Education of the Board of Education is well aware of the **acute** shortage of bilingual clinicians to evaluate children and bilingual teachers to service children who have been recommended for placement in the bilingual special education program. To date, their efforts at recruitment have been almost totally unsuccessful. At present, a child who has been referred for assessment for possible bilingual special education must wait substantially longer than any other child who's been referred for assessment for special education. And that period of wait is clearly months beyond, in many instances, the amount of time provided for by federal, state and case law that sets the limitations as to what amount of time the Board has to conduct the evaluation. Even when the evaluation is conducted, the chances of it being an appropriate evaluation are almost nil.

Although there are very complex procedures set forth, they are frequently not followed for several reasons. First of all, the person conducting the evaluation does not speak the language of the child. How can you possibly determine whether or not the problems that the child has are due to a linguistic or cultural difference as opposed to a handicapping condition if the evaluator does not understand the language of the child and is not familiar with the background and culture of the child? Secondly, the translators that are used are frequently not trained. So, to the extent that any valid information could be presented to the evaluator, it is not happening. Third, even when the evaluator is able to make an accurate determination because he or she is bilingual or because the translator is well-trained, and for this particular child they were able to make a correct assessment, they frequently do not determine that the child should be placed in a bilingual education program for the very reason that there are not enough bilingual teachers available to service the child. So they violate their own procedures and determine that some special education is better than none at all. I understand the argument. The problem with that, though, is that to date the Board of Education has determined the number of bilingual vacancies for teacher positions according to the number of recommendations made for placement. Therefore, you have a vicious circle of under-representation in the recommendations that leads to under-representation in the number of teachers available for placement.

Finally, even when they do make the appropriate recommendation for a child who is really handicapped to be placed in a bilingual special education class, far too often they do not have the teacher available, and instead they will place the child in what they call a temporary placement where, instead of having a bilingual teacher, they will have a bilingual paraprofessional assisting a teacher who does not understand the child's language. Unfortunately, the temporary aspect of that placement is very questionable. From the information that I've been able to gather, once a child is in this so-called temporary placement, they are there to stay.

Most of these problems are directly related to the Board failure to put the necessary resources behind creating a plan, implementing the plan, and carrying out the plan to recruit, train, and hire necessary bilingual evaluators and teachers. Even if that plan is well-designed, and even if the persons who have been assigned the duty to implement that plan have the best of intentions, unless they are given the means, financial and otherwise, the inordinately long, illegal waiting lists for bilingual special education children and the number of inappropriate placements in inappropriate classes--be they inappropriate because the children are not handicapped or inappropriate because the children are in a monolingual class--will continue to occur. My fear is that the Board is far too willing to adopt the easy road, which is to hire more translators, and therefore try to drastically reduce the number of illegal waiting lists. I submit that the use of translators cannot be a permanent part of the program because it is not designed to give the child what he's entitled to under law--an appropriate evaluation that does not discriminate according to his language or his cultural background.

If the Board won't do it, someone's going to have to. And I request this panel to urge the Chancellor, any person who has any power whatever in the Board of Education, to finally do what they've been saying and have promised to do for many years. Give the people who are in the positions to carry out these programs the money and the authority to do so.

MARYSE ROUMAIN: I would like to address the need for additional support programs and personnel in the regular programs for Haitian immigrant children. Patrick, a five-year-old boy, and his mother were referred to me by a Haitian community center in Brooklyn. The mother was concerned. She had been called by the school on several occasions, and she was asked to take Patrick to a hospital for psychological evaluation. She was concerned about the bill that she would have to pay. She did not have the money; she is an undocumented worker, only working on and off. She was also confused about the problem her child may have. Patrick was reversing letters. His S's, his B's, his D's and his E's were not reproduced correctly, but only sometimes, she says. After they had spent 10 minutes in my office I saw that this was true. His mother was concerned. She seems to be the kind of mother who cares very much about her children but whose life circumstances are difficult and overwhelming. I suggested that she bring Patrick at least twice a week to an after school program where a counselor and tutor work with delayed learners and learning disabled children as a prevention measure. About two months later, Patrick had made a lot of progress. He was no longer reversing letters and he was able to remain in the regular program. The mother called to express her gratitude and asked me to locate a daycare center for her younger son to prevent the development of a similar problem.

Placing Haitian children who are not seriously or severely impaired in segregated programs is in conflict with Haitian culture, not because there is an inability on the part of parents to accept that their children may have problems but, because it is felt that these problems can be remedied or compensated for. The Haitian parent would rather have, and be proud of, a child who has good academic skills but, in the event that this is not the case, the parent would like to see that other skills be encouraged and nurtured. In this way, their children can still become productive and self-sufficient members of society.

NILDA SOTO-RUIZ: The Office of Bilingual Education is charged with making sure that 32 community school districts and high schools comply with legal mandates (the Aspira Consent Decree and the Lau Plan) ensuring equal educational opportunities for limited English speaking students.

It is important to remember that we do not identify students as immigrants. The office gives services to the community and the high schools based on limited English proficiency. Eligibility for bilingual programs is based on students' performance on the Language Assessment Battery test. The test is an instrument developed by the Board, specifically designed to identify limited English proficient students. Students who score at or below the 20th percentile (soon to be changed to the 40th percentile on the English assessment battery) are eligible for bilingual ESL programs. The instructional elements required for these students are: English as a Second Language (ESL), native language arts instruction, instruction in social studies, science, math in the native language and English. If there are insufficient numbers of limited English proficient students to mandate these bilingual program elements, at the very least English as a second language must be provided. In order for a school to form a bilingual class, there must be at least 25 students of the same language and grade, or the same language in two contiguous grades.

The eligible limited English proficient students enrolled as of the fall are **95,695. Approximately l0% of the school population is limited English proficient.** There are full bilingual programs in Spanish, Chinese, Haitian Creole, Korean, Vietnamese, which are the languages in order of their occurrence in the system. And English as a second language is and must be a component of all bilingual programs. There are, at present, 2,3ll teachers, but there is a need for many more within the system in the different language groups. The program has been difficult to implement due to conflicting philosophies of various educational leaders at school sites. We have made progress within the last three years in getting the Chancellor's backing in providing sanctions so that the monitoring that the Office of Bilingual Education does does not end at the Office of Bilingual Education, but goes on to higher levels of the Board.

We certainly have problems. We need assessment instruments, both in the native languages and in English. Many of the students coming in are not literate in their native language, and the teachers are not prepared and need more training in order to deal with an illiteracy problem in the native language. We have them in Spanish, in Haitian Creole, and in English as a second language in the early grades where most of the population is concentrated. Most importantly we need to provide staff development for teachers of limited English proficient students, whether they be licensed bilingual ESL teachers or monolingual teachers, who find these youngsters within their classes and are at a loss for how to deal with them.

PANEL MEMBER: Are you saying then, that of those eight or ten languages, those are actually the working languages that you are dealing with?

NILDA SOTO-RUIZ: No, those are the languages that have bilingual programs reported to our office. There are over 60 different language groups and, at the very least, depending on the numbers of youngsters, they get English as a second language instruction. What may happen is that you will get five youngsters in a school in some setting, and then we have to help the teacher because there are not sufficient clusters to hire a bilingual or an ESL licensed teacher, restraints on the community school districts and high schools, so that we have to train the teachers in giving help to these students as best they can.

PANEL MEMBER: Do children from the English-speaking Caribbean who speak a particular variation of English qualify for bilingual education or English as a second language?

NILDA SOTO-RUIZ: No, they do not. Those youngsters are not legally entitled to services either through the city or state law.

PANEL MEMBER: What's happening with the other groups?

NILDA SOTO-RUIZ: At present, nothing is happening with the other groups. We're doing a revision for the Spanish which we felt was not meeting the need. But discussions on other language groups right now have been tabled. I think it's important that we also stress the assessment issue because, until we get the children in the program and then assess their progress, (which we are not doing consistently now with the instruction that they are getting), we will always have the children being blamed for not reading well.

LUIS REYES: ASPIRA has a 25-year history of advocacy for the social, economic and cultural advancement of the Puerto Rican/Latino community and for the education and leadership development of its youth. I would like to state at the outset that we believe the scope of your hearings should be broad enough to include the experience of Puerto Rican children whose movement from the island of Puerto Rico to the continental United States is technically a form of internal migration rather than international migration, but with characteristics of the latter.

According to the Task Force on Statistical Policy and Data Needs, a report presented to the Ford Foundation, the 1980 census and special studies in New York and Puerto Rico have revealed a marked increase both in the volume and the patterns of movement by Puerto Ricans. Substantial numbers are leaving the island for the continental U.S., returning from the "mainland" to the island and disbursing across the U.S. Puerto Ricans appear to be involved in a fairly extensive circulation flow whose significance has yet to be evaluated. What is evident is that there has been little or no advance in the social-economic status of this group in spite of their participation in extensive geographic movement that presumably is largely motivated by economic factors. We need a better understanding of the differential in Puerto Rican statistical indicators including high school completion rates, academic achievement levels, and the role of migration in either enhancing or diminishing these rates. We need to understand why Puerto Rican children in the continental U.S. are not achieving at a rate comparable to other Latino subgroups. According to the March 1985 population survey, Puerto Ricans had a median of 11.2 school years completed, compared to 12.0 years for Cubans and 12.4

for other Latinos not including Mexican-Americans. The 1980 census found that, among Puerto Rican adults 25 years or older, only 35.1% were high school graduates, compared to 52.3% of Colombians and 44.2% of other Latinos. Only 3.7% of these Puerto Rican adults were college graduates, compared to 8.5% of Colombians and 7.9% of other Latinos.

If we have failed over 12 years to meet the needs of language minority children in the system today, we are likely to not meet the needs of immigrant children. The types of sensitivity, knowledge, accountability, programming and recruitment that are needed to meet the needs of immigrant children are the same set of standards, procedures and practices that are needed for children who are migrants as well as children who are language minority here and have been here for one or more generations.

What we actually need are programs that are late exit bilingual programs. We need transitional programs for children who were never eligible and transitional programs for students between the 20th-40th percentile on language proficiency tests with literacy services both in the native language as well as in English. They need counseling services, guidance services that are not crisis-oriented, that are not just intervention when there are problems, but that are based on a developmental model. And both the educational services in the classroom, as well as the ancillary services supporting instruction, need to come from a developmental model that does not see children, whether they are immigrants, whether they are language minority who are limited or not limited in English, or whether they are immigrant children, as coming with liabilities. But rather the adults must understand that the children are living under a set of stress factors and that it is the role of the school and the larger society to deal with and to have high expectations for those children rather than to blame them.

PANEL MEMBER: Luis, how do you reconcile the goal of a transitional program -- of learning English as quickly as possible -- and the statewide and citywide objective that children be proficient in two languages or be bilingual? Doesn't this mean that we're telling the language minority child who is dominant in another language to forget that language once you learn English, but you can't graduate -- you can't be promoted -- unless you have a foreign language?

LUIS REYES: The language policy statement passed by the Board, while seeming to be progressive, is also limited, in that the emphasis is on English proficiency while saying that we want all children to be bilingual. We at ASPIRA, as well as other advocates who are members of the Bilingual Commission, have worked to develop a document that talks about different models of instruction to deal both with the needs of limited English proficient students as well as the needs of monolingual English dominant students. We believe that two-way bilingual programs are appropriate pedagogically as well as politically, because they open the door to all students being able to experience the benefits cognitively, affectively and socially, of bilingualism or biliteralism.

ROBIN WILLNER: Federal support for New York City bilingual education programs has declined by 20% since 1982 and today funds less than 5% of New York City schools' bilingual staff. The Secretary of Education has moved to further weaken requirements for these programs. New York State has dramatically increased its financial support, but it has failed to "put teeth" into its regulations. Its monitoring and enforcement efforts have been feeble. The city's tax levy funds have not kept pace with rising costs and the increasing numbers of entitled students. Despite the recent growth in many central administrative offices, the Office of Bilingual Education's staffing level remains fairly stable, with only a handful of persons assigned to monitor compliance in more than 900 schools. Until this year, there was absolutely no tracking of the total amount of city funds used for language services or how they were used.

Language instruction, like most other educational programs in New York City, is a decentralized operation. The 32 community school districts have autonomy in determining curriculum and school organization. However, they are subject to the same laws and court orders that govern the Central Board of Education. In the aggregate, it seems clear that this city is reserving city and state supplemental funds for supplementary services; however, it is in serious doubt whether the districts have ever done this. While the districts together support two-thirds of their bilingual staff with basic city funds, this level varies dramatically from zero to 100% among the districts. In 1985, there were four districts who used non-city funds to support 90% of their staff, meaning that they hardly used any of their regular city tax levy dollars and were supplanting the use of basic funds as required by law.

More serious than the improper use of funds, basic compliance with legal requirements to provide special services for limited English proficient students varies tremendously among the districts. In 1985, seven districts accounted for more than half of all the students receiving no language program at all, while eight districts managed to serve, to some extent, at least 95% of their students. Similarly, while a third of all students in the districts were in full bilingual programs, the range is from zero to 61%, making it apparent that some districts have made little effort to provide services. In 1985, as revealed in our study, LEP youngsters were being neglected and ignored by public officials. Recent analytical data for the school year that ended in June 1986 indicates that this bleak picture continued at the time our report was actually released.

I would like to take a few moments to review the Board of Education's response to our findings. First, the Board has developed and adopted an action plan to improve bilingual education. As a result, specific steps have already been taken. The data system has been improved to include students' home language and allow for longitudinal observations of student progress. An additional $9.3 million in state remedial funds was set aside for increasing services to LEP youngsters with the first strict maintenance of effort requirements for local schools. Two monitoring efforts have begun to assure proper testing and identification of eligible students and to require appropriate use of staff and funds. Efforts have also begun to identify successful programs and effective teaching methods.

However, much remains to be done. The Board has yet to develop a comprehensive recruitment strategy to fill long-standing staff vacancies. Staff development activities must be expanded for bilingual teachers as well as monolingual teachers and staff who serve language minority students in the mainstream. This city has not yet devoted sufficient local funding for bilingual programs but has relied on state aid instead. And finally, the high schools have yet to develop a full range of career and occupational program options for LEP students and to cease the current discriminatory tracking of these youngsters. Even compliance with the consent decree remains a problem.

ARCHER DONG: I would like to get into some "nitty gritty" issues with regard to my students. Of the 1,600, 84% are Chinese, 13% Hispanic, 2.5% black, and maybe 0.5% white. Of those students, 40% are limited English proficient. They are mostly Chinese-speaking. We have a situation in Chinatown where many parents find it necessary to lie about their addresses. We have a significant number of students who travel an hour, an hour and a half, and they come on time because they cannot get the services in their home neighborhoods. The students want an education and I'm going to enroll them. However, when those students take seats in my school they may end up prohibiting students who actually live in the neighborhood from attending my school. So consequently, it is important that we make sure that home districts in the outlying boroughs are forced to provide the students with the proper instruction for which they are funded.

In my school we get a tremendous immigrant population throughout the year. This creates problems in terms of setting up classes and programming. In a junior high school, which is departmentalized, students travel from class to class, from teacher to teacher, from subject to subject. It's not the same as an elementary school situation where, if you get 30 kids, you hire a teacher, give the teacher a classroom, and just worry about the cluster teachers one or two periods a week. It's not that simple. When I have to create a new class, I must provide five periods of math, five periods of science, five periods of social studies, each from different teachers because they are licensed in those specific subject disciplines. So when I have to add a class in November or December or March, it is a tremendous hardship on the program of the school and the continuity of the instruction of all the students, because these program changes affect not only the students who are new but the students who are there because their teachers' programs and students' programs are affected. So it's important that we reinforce the concept of "tipping," which means giving schools that have a history of large immigrant populations throughout the school year additional allocations prior to the summer so they can program properly and offer continuity of instructional service to their students. I cannot wait until September when I see who shows up, or even November, to re-program the school, or else I would have chaos.

In my district we have a couple of junior high schools that like to "cream off the top" and take my students who are the top scorers and say, "Come to our school, because you will have a diversity of experience with different ethnic groups." What happens is that the only students who end up migrating up north are the students who are two and a half, three years above in reading. So every year, when *The New York Times* comes out, my school is at 40% or above reading level. There's nothing wrong with my school. My teachers teach, the kids learn, but, if other schools "cream off the top," we lose that upper echelon of stratified student abilities.

How does that hurt the LEP students? Well, we do have bilingual ESL services, and believe me it's hard to get licensed Chinese bilingual teachers. The kids who are LEP are not afforded the opportunity to "rub elbows" with the other ethnic groups. Now, if you're going to have certain students afforded the opportunity to "rub elbows" with other ethnic groups, why not the LEP students too? This would mean that the other schools would have to have bilingual programs established to afford the LEP students the opportunity to migrate north also. That's discrimination to me. If you're going to offer it to one group, then why not the LEP kids too? If you're going to offer it to one group, offer it to everybody, or else don't offer it at all.

We have 1,600 students, of whom 70 are in special education. Within that special education population, we have something like 80 mandated counseling sessions, and each counseling session should average a half an hour each. And in a school, one period is 42 minutes, so a half hour session is one period. You can't cut them up, because then the student loses too much instruction. So you're talking about 80 times one period each. That's 80 periods. There are only 40 periods in a work week. We need two full-time guidance counselors just for the mandated counseling for special education. Then, of the 1,600 minus 70, we have 1,530 students. We have two guidance counselors for those 1,530 students. So that's 765 students a guidance counselor. That is ridiculous. What does that mean to the issue of preventive maintenance, trying to make sure kids don't get into special education? We try to do preventive counseling, but the guidance counselors are overworked. We do not have enough. It's up to the district to give us the guidance counselors. But then, you know it's also up to the city to make sure that the districts have enough services in terms of allocation of a guidance counselor. So it goes both ways. **Two guidance counselors for 1,600 kids is ridiculous.**

RESOURCES AND INNOVATIONS

> **"These students represent a tremendous resource for our schools, our communities and our nation, and it is up to the educational institutions and this society to develop the kinds of programs that allow us to tap that resource."**
>
> **Eric Nadelstern**

In this section, we include testimonies that point to untapped resources and innovative ideas for coping with the special needs of immigrant children.

Eric Nadelstern, Assistant Principal, International High School, illuminates the educational philosophy underpinning the high school which boasts the highest attendance rate in the New York City system: Children "are encouraged to utilize their native language skills to support their learning of English and to regard their own cultural background and those of other students as a classroom resource to enrich and enhance their learning experience." Eli Plotkin, Program Manager, High School Bilingual ESL Unit, Board of Education, records the successes of the bilingual program. The high school application has been translated into Spanish and the high school directory is now available in several languages. Furthermore, he points to the "wonderful support system in bilingual programs. The teachers care about the kids, and it's almost like a little house of its own, where kids know that they have somebody to talk to who understands their language." Evelyn Davila, Director, National Hispanic Scholar Awards Program, the College Board, proposes an "educational passport" to facilitate the transfer of students who move back and forth between their native town or city and the United States mainland. Both Jean Sotirakis, Director, Hellenic American Neighborhood Action Committee, Child and Family Counseling Service, and Joanne Oplustil, Executive Director of the Church Avenue Merchants Block Association, lament the school system's underutilization of available community services. Sotirakis reports that, "We have licensed psychologists, MSW's, and access to speech and language therapists." Oplustil complains that, "It took us a year before the schools recognized us and bothered to start sending students to us."

ERIC NADELSTERN: I appreciate this chance to describe the innovative approach to the education of multilingual, multicultural immigrant students developed at the International High School at LaGuardia Community College.

The dropout rate in urban high schools is 36%. The New York State Board of Regents has published an action paper entitled "Increasing Minority Access to the Licensed Professions," which states that the high school dropout rates are significantly higher among minorities than among non-minorities. ASPIRA of New York, in "Minority Secondary Education in New York City," reveals an 80% dropout rate for Hispanic students. As a result, there's been an increased focus on the disproportionate number of language minority students in our schools, who account for over 36% of all children between the ages of 5 and 17 in New York City, as reported by the State Education Department. These students represent a "high risk" population due to their limited English proficiency, cultural isolation and low socio-economic status, which often results in pressure to drop out of school and find a job.

In response to the needs reflected by these statistics and in recognition of the gap between high school graduation requirements for limited English proficient students and college entry expectations, the International High School opened on the campus of LaGuardia College in September 1985. This collaborative project, jointly sponsored by the Board of Education of the City of New York and the City University, offers LEP students a high school/college curriculum combining substantive study and reinforcement of English. The goal is to offer linguistic, cognitive and cultural skills necessary for success in high school, college and beyond.

The educational principles which underlie the instructional and curricula design of this school are as follows: Limited English proficient students require the ability to understand, read, speak, and write English with near native fluency to realize their full potential within our society.

At the same time, fluency in a language other than English must not be viewed as a handicap, but rather as a talent. Language skills are most effectively learned in the context in which they're found in content-area courses and embedded in those subjects. The most successful educational programs are those which emphasize rigorous standards coupled with effective support systems. Attempts to homogeneously group students in an effort to make instruction more manageable preclude the way in which adolescents learn best, and that is from each other. Career education is a significant motivational factor for adolescent learners.

And finally, the most effective instruction takes place when teachers actively participate in the school decision-making process, including instructional program design, curriculum development and material selection. Collaboration with the college substantially enhances the capacity of the high school to develop an educational program which embodies these principles. The faculty members of the International High School utilize ESL techniques as a means of reinforcing English language development and facilitating the acquisition of content across the curriculum. As students move from concrete to abstract levels of language acquisition, teachers present the content in greater complexity, while maintaining a level of comprehensible input commensurate with the students' level of English language development. Collaborative learning strategies encourage students at different levels of English language acquisition and academic preparation to work in small groups as they explore their subject area studies. With the teacher functioning as facilitator, students are taught to rely upon themselves and each other for revision of written assignments, study and development of vocabulary, and mastery of content. They are encouraged to utilize their native language skills to support their learning of English and to regard their own cultural background and those of other students as a classroom resource to enrich and enhance their learning experiences. A career occupational education program serves as the focal point of the school.

All students participate in an out-of-school internship program for one-third of the school year. This requirement allows our students to investigate careers in the public and private sector while reinforcing their English language skills and further developing their native language proficiencies. For the 1986-87 school year, there are 170 immigrant students enrolled at the school. They come to us from 30 countries and speak 26 different languages other than English, and range in age from 14 to 16 years old. They represent a broad range of English language proficiencies, native language proficiencies, literacy skills and prior academic preparation. First year evaluation results have been encouraging. Eighty-seven percent of our students show gains in their English language development as measured on the English LAB test, with 46% having scored at or above the 21st percentile and they're no longer considered limited English proficient. There were no dropouts during our first year, and average daily attendance was 95.65%, the highest attendance rate of all high schools in the city of New York. As a result, the school received a Gold Medal Award from the Council for the Advancement and Support of Education.

With adequate preparation and mutual cooperation between boards of education and colleges, the program which I've described can and should be replicated to meet the needs of multilingual, multicultural limited English proficient students. These students represent a tremendous resource for our schools, our communities and our nation, and it is up to the educational institutions and this society to develop the kinds of programs that allow us to tap that resource.

PANEL MEMBER: To what extent does the International High School work with the parents of your children?

ERIC NADELSTERN: We offer, during the regular instructional day, an English as a second language class for parents. Those parents have formed the core of our parents' association. It was a way to bring them into school and involve them in the education of their children and get them active on that level. We also regularly invite parents to special activities, assembly programs and after school programs and have them accompany students on trips as the school moves around the city to take advantage of the fact that we're in a multilingual, multicultural capital in the world. My hope is that, as this group of parents expands, they will take a more active role in terms of providing us with input in school governance and decision-making.

PANEL MEMBER: Eric, I'm sure you know about the U.S. English movement. The U.S. English movement is as strong here as it is throughout the country. There have been various proposals put forward to try to counteract this, given that English is the official language. There's been a resolution that may be introduced, declaring New York state a multilingual state. If such a resolution were proposed, how would the parents in your school react to it?

ERIC NADELSTERN: I would have to ask them, certainly. On a personal level, I would be in support of a resolution declaring New York a multilingual, multicultural state. It would be an after-the-fact resolution. We are, in fact, a multilingual, multicultural state, and the basic premise of the school, as well as my point of departure as a language teacher, is that people not only are capable of becoming proficient in more than one language, but that it's desirable for as many people as possible to become proficient in more than one language, and that's what we're after here.

ELI PLOTKIN: As a result of the Educational Priorities Panel report, the High School Division has made some major studies in implementation of programs for limited English proficient students. We are now undergoing a review of the high school admissions process for LEP students. We know that admissions for LEP students deal with a couple of different kinds of issues, putting even the language aside. We deal with LEP students who come to us from feeder junior high schools, from the community school districts; there are LEP students who, every day of the school year, walk into a high school for admission. And then we're dealing with a population that's coming in lacking formal education either in their native language from the feeder schools or from the native country, and there's even another one. We have students who are orally proficient in both languages and proficient in reading or writing in neither. We translated the high school application into Spanish. The entire high school directory has been translated into Spanish with abridged versions in Chinese, Haitian Creole, French, and Korean. Next year I believe that we're going to go for the entire directory in Chinese.

We were asked to do a model program report for EPP. Fifteen high schools were chosen that represented over 6,000 LEP kids from diverse countries and diverse skills in native languages. The average monthly attendance ranged from 82% to 97%. The percentage of LEP students in those schools passing RCT's in math, native language writing, and the English component of the RCT ranged from 50-75%. The number of LEP or former LEP kids in those schools who graduated in the top ten of their graduating class ranged from two to eight. The percentage applying to two year colleges was 20% - 75%, four year colleges 20%-50%, and the number of students in those schools receiving scholarships went from two to ten. This was for the '85-'86 school year in those 15 schools.

I will summarize some of the success factors that I think we should look at. There's a wonderful support system in bilingual programs. The teachers care about the kids. The kids know that they have somebody to talk to who understands their language. Where the principal was the advocate, the program was good, but then we keep finding that over and over. Other components include: shared mission statements, really believing what you're doing, commitment and vitality of the staff itself, teacher training, and staff development. Bilingual and ESL teachers are teaching what they were trained to teach, and they know what to expect from those kids and, based upon those expectations, they're able to deal with the instructional component better than a lot of other teachers.

PANEL MEMBER: You indicated that the LEP students come to the high schools at various stages of English proficiency. Is any direct assessment made of each student as he comes to the high school so that he can become proficient in English as quickly as possible?

ELI PLOTKIN: If they come to us from the feeder schools, the students are coming both with Language Assessment Battery (LAB) scores and with high school applications. When they come in, in what we call "over-the-counter," the children must be LAB tested as soon as they enter the building and then tested in content area for placement. They are given a specific program. We have to deal with the high school diploma requirements also, which really mandate the specific program. In the schools where we have the populations for a bilingual program, the content area is given in the native language, along with the native language arts component, and intensive ESL.

PANEL MEMBER: You cite some statistics on success, but I didn't hear about the dropout rate.

ELI PLOTKIN: We have a very high attendance and retention rate within bilingual programs. It's when language minority children exit bilingual programs that they become at risk for dropout. When we see the final report we're going to see that it's perhaps because we're exiting the students too soon from the bilingual programs. It is when they are sent into that cruel world without support services that they are "turned off" and may drop out.

PANEL MEMBER: You're building a case for maintaining children in bilingual programs as long as possible. Doesn't that conflict with the imposed exit requirement?

ELI PLOTKIN: I'm not suggesting maintaining the kids in the bilingual program; I'm suggesting replicating the models of supportive services that the bilingual kids receive once the kids exit the program.

PANEL MEMBER: Well, why not maintain them if you're finding the support system there and you're building a wonderful case for it?

ELI PLOTKIN: We can't mandate maintaining them, but any student who is exiting a bilingual program whose parent wants to have them in the program certainly opts them right back in. What we're looking at now are students between the 21st and the 40th percentile on the (LAB) tests who have just exited bilingual programs, and the High School Division has just targeted some of the attendance dropout prevention money to create special programs to watch what these kids are doing.

EVELYN DAVILA: I've been invited here today to speak to you about a collaborative project between the College Board, the Puerto Rico Department of Education, and the New York City Board of Education. The purpose of the project is to deal with the academic problems that Puerto Rican students encounter when they transfer from one school system to the other--in particular, problems of access and availability of previous school records for grade placement.

Large scale migration of Puerto Ricans to the U.S. mainland is a post-World War II phenomenon. Contrary to other large migrant groups, they are the first group to come from a different cultural background, with a different language, and yet are citizens of the United States. Legally speaking, Puerto Ricans move within the same country when they move to the mainland. They are not immigrants. In spite of this, the problems encountered by Puerto Ricans as they move to the mainland are very similar to problems encountered by immigrants. In fact, a series of studies that were released in the last year show that Puerto Ricans in New York lag behind other Hispanic groups in virtually every major index of economic and social progress. For example, the median family income of Puerto Ricans in New York City is $8,913, half that of the average Anglo-American family. Puerto Ricans are heavily concentrated in unskilled jobs, where social and ethnic discrimination continue to be barriers to job opportunities. In terms of education, the typical Puerto Rican student completes only 8.7 years of school. Sixty percent of Puerto Rican youths drop out of school prior to high school graduation and, among those who finally are able to graduate from high school, 25% are delayed by more than one year. Facing frustration and disappointments in employment and educational opportunities when they arrive on the mainland, many Puerto Ricans move back to Puerto Rico. Geographic proximity, low airfares, and U.S. citizenship afford Puerto Ricans a high degree of physical mobility. This has led to a very unique situation among the Puerto Rican community. Many call it circular migration.

Since 1965, two migratory movements have been clearly identified. One, of Puerto Ricans leaving the island and, the other, of those who are returning. Return migration intensified in the decade of the 1970s. According to the Puerto Rico Planning Board, as of September 1982, approximately 450,000 Puerto Ricans currently living on the island had previously resided on the mainland. It is estimated that the number of Puerto Ricans returning to the island nearly equals the number coming to the mainland. Most of the students who transfer come from the poorest segments of the urban areas in Puerto Rico and in New York. Many teachers and school officials in Puerto Rico view students from New York as low achievers, troublemakers, aggressive, undisciplined, disrespectful, lacking identity, and lacking functional skills in either Spanish or English. Unfortunately, as you know, they are faced with exactly the same stereotypes when they arrive in the schools in New York.

A study of student turnover in the New York City public schools shows that, for the 1981-82 academic year, 18% of students entering New York City schools at non-standard times were from Puerto Rico. For that same year, the largest percentage of students leaving New York City public schools, or 17%, were students leaving for Puerto Rico. According to this study, there were 9,927 reported cases of students transferring during one school year between New York and Puerto Rico and these figures do not even start to reflect the total because many students don't even bother to tell their schools that they are leaving.

Now students who transfer often are enrolled with limited information on the educational experiences they've gained in the other system. This absence of information about the students' previous educational experiences results in lack of information about pupil performance for a portion if not all of the year because it can take up to six months to get their transcripts. Many people just take a student on the basis of what he brings in--which many times has been a slip of paper with the name of the school and the age and then they place the student.

The articulation project came as the result of various visits I had in Puerto Rico and New York. I was able to visit schools in Puerto Rico and kept hearing complaints about the students that were arriving from New York City. Students did not bring school records, they did not bring health information, they arrived in mid-term, and no one knew the kind of education that they had gotten before they arrived. Later I visited schools in New York and I heard exactly the same thing. What became obvious was that both Puerto Rico and New York share the educational responsibility for many of the same students that go back and forth and obviously have the same problems. So it made sense to join resources and try to find out how we could identify the problems and how we could deal with some of the solutions. I went to the Ford Foundation and told them what it was that I thought needed to be done. They gave us the money.

The first product was an education passport. Everything that's been done has been done in English and Spanish. The education passport is used to facilitate the immediate and correct placement of students. It is not our intent to change school records that come from the school. All we are suggesting is that the student carry this, so that he/she can be placed as soon as he/she gets to the school. One of the important things in this passport is the correct mailing address of the previous school. Something as simple as that can create confusion and make it difficult for the student. We know this is not going to take care of everything. But, if we can start getting some kind of process in which information can be shared between the two systems, I think we can at least start understanding each other better.

We came up with a poster, suggesting that it be put in places where the students could see it, because the students have to know that this exists. We are now trying to get this into the public transportation systems in New York and Puerto Rico, again because the community has to be aware of it.

In the second year of the project, in addition to the education passport, we prepared a side-by-side comparison of the curriculum that is offered in the high schools in New York and Puerto Rico because, once those transcripts arrive, many people assume that what is being covered is not the same as the thing that had been covered in their school system. We have prepared three documents in language arts, mathematics and science in English and in Spanish. It is a side-by-side comparison of the skills, the competencies, in those three major subject areas that are required.

PANEL MEMBER: I know this is to a great extent exclusively for the benefits of Puerto Ricans. What kind of services like this are available to non-Puerto Ricans?

EVELYN DAVILA: We are suggesting that we have developed a strategy that can be used with other school systems. We can go into Santo Domingo and work with the Department of Education in Santo Domingo and New York to establish those equivalencies and those areas that they have in common.

PANEL MEMBER: To what extent have you implemented this program? Does every Puerto Rican child who is in our high schools have a passport at this point?

EVELYN DAVILA: The passports are not coming to the students; the passports were delivered to all the high schools in New York and Puerto Rico, together with the posters and information sheets on how to prepare those passports. I have followed up, visiting some high schools in Puerto Rico and New York, emphasizing that they have to prepare these passports as soon as they find out that a student is transferring. I visited schools in Puerto Rico where they have given the passport to students and where they have received students coming with the passports. The success of the program is going to depend on the cooperation from the high schools and the people who are in those high schools.

JEAN SOTIRAKIS: I am the Director of the Child and Family Counseling Service for HANAC. Our target population is Greek-Americans, Greek immigrant families. Referrals come to our agency with teacher complaints such as, "The child is not attending. The child is disruptive. The child does not fit in with his peers."

We have a bilingual situation. Greek families, whether they are immigrant families or born in the United States, will only speak to their children in Greek until school age. This is a very important cultural issue. Cultural identity is crucial to a Greek family. The assimilation process, for this reason, becomes very difficult. The concept of special education is very frightening to Greek families. You are basically telling a family that, "There is something wrong with your child." Therefore you are saying to the family, "There is something wrong with you." That is very overwhelming, not only to Greek families but to all families.

An additional problem is that there are very few professionals who speak Greek. COH, I'm sure, has an enormous waiting list of children to be evaluated. Our concern as an agency is that you do not utilize available community resources. We have licensed psychologists on staff; we have MSW's; we have access to speech and language therapists. All I ask is, please utilize us because we have to deal with problems with families when services are not being provided. Why must a child be labeled mentally retarded to receive some sort of a special education program until an appropriate evaluation can be done? This is happening. I'm not saying it happens in every case, but I know you all know that it happens. This is a very serious issue. Children will be pulled out of the public school system, will be placed in a parochial school setting, or will be totally removed from the public school and sent to a village in Greece. The counselors that are in the school system do not know the culture and do not understand it. Use of translators, as has been said previously, is not the effective way because, in any translation, somehow it just doesn't carry through exactly. The child's language may not be the same dialect as the one the translator is using. The fear that the child will answer inappropriately and in some way be looked upon negatively at home is another serious concern.

The Greek community is academically oriented. They feel very proud of their children if they achieve academically. If they are not achieving, then the child is not attending, he is not listening, he is being disruptive, and he is at fault. The parents also fear that if we intervene as an agency that the child will be reprimanded by the school officials in such a way that the proper education will not be provided. What you're doing is creating a problem that shouldn't be there. You're creating a fear, and you're getting a parent that will work against the Board of Education. We end up fighting; we don't end up working together. How can the child progress if mother and father are so totally overwhelmed that the child's problem is lost someplace in the shuffle, because now we're arguing as professionals and not attending to the child who needs our services?

If you cannot find someone who can test the child in an appropriate time period, utilize a community-based service. As professionals, we know what it's like to be on the other end and listen to a family complain and listen to how frightened they are. But if we intervene and we still don't communicate as professionals, then maybe the family is not so wrong. Maybe there is something wrong with what we're providing.

The stigma is very important. If you tell a mother that there is something wrong with her child and she does not understand what you are trying to do to help her, then you will not resolve anything. And unfortunately, the Greek children somehow are being lost in the shuffle. I cannot speak for the others, but I do know what I deal with on a daily basis. Utilize our agency. We're there.

PANEL MEMBER: This theme of discontinuity between the school system and the community agencies seems to have played several times in the course of the day. Could you speak to why the school system seems reticent to use your service?

JEAN SOTIRAKIS: We've been told that, by the laws of the Board of Education, they cannot seek services outside of their own professional staff - that we have to get clearance. If you think getting the kid tested takes time, try getting a clearance. We're not getting referrals. We're getting them when the mother and the father become so overwhelmed that they come to us and they ask us for help. Occasionally, a teacher will refer a family, not COH.

RONALD JONES: I would like to comment. I just don't know what it is that they're not letting you do. Act as translators?

JEAN SOTIRAKIS: What I'm saying is this: COH, as any agency, has their own set standards and rules as to how to evaluate a child. If a child needs to be evaluated to obtain the proper classification to be put into the proper class for proper services, and you say that you have a two to three month waiting period, we will intervene with you. We will do the psychological for you in this instance if there is such a long waiting period.

PANEL MEMBER: And what is their objection to your doing it?

JEAN SOTIRAKIS: Their objection is that they cannot do it until they get clearance to utilize an outside agency. I can understand funding requirements because we all have to learn to live with it. Do we play the game of funding and let a child sit for three or four months? That's what we're doing. We're not even asking that you compensate us. We'll do the psychological. We will pick up the tab. The teams that are available for the Greek-speaking children, although they say they are readily available, are not because we've been waiting two to three months. Now we're finding out, through this type of a meeting, that maybe there is a service that we can apply to. The only thing we're saying is, if I intervene for a family and COH cannot say to me clearly why they cannot utilize me, I don't know how to turn to the mother and say the Board of Education is working against me. I don't want to shake whatever faith the parents have in the school system, because it's the only system, at the moment, that we have.

JOANNE OPLUSTIL: I'm here today to address the issue of the importance of community based organizations to serve as a linkage between the school system, the parents and the youth. Church Avenue Merchants Block Association (CAMBA) is a community-based organization in the Flatbush section of Brooklyn. We presently conduct ESL programs, job readiness training, job development, health education, counseling and parenting projects for refugees and immigrants.

In 1982, we realized that a large number of Southeast Asian refugees were settling in the area, often with little guidance or assistance from public agencies responsible for their welfare. CAMBA decided to focus attention on providing assistance to the refugees in order for them to assimilate into the neighborhood. Our initial focus was providing ESL classes to the adults. Schoolchildren always came to improve their skills and to serve as translators. CAMBA learned from the students and from the children that the families were experiencing major difficulties in the transition. Many feared leaving their homes unattended. In response, we began homebound English classes. The classes are conducted in apartments and buildings housing large numbers of Southeast Asian refugees. The home provides an ideal setting for the development of trusting relations between CAMBA staff and clients.

While the goal was to teach ESL, the refugees indicated they wanted help in other areas as well. In addition to social, health and economic problems, the parents were concerned about their children who were rapidly acquiring "American bad habits," such as disrespect towards parents and teachers, use of vulgar language, and the like. The children were demonstrating anti-social behavior. CAMBA then conducted a parenting demonstration project. The goal of the parenting project was to assist the parents and children to reopen closed communication channels with each other and to develop ties with the schools that the children were attending. The project demonstrated in many cases a total breakdown in communication between parents and children, which translated to a cultural schism. We worked with 20 parents and 71 children. The five month project found that schools are expected to deal with educational issues of children; traditionally, parents have no voice in the education system. Parents do not understand our school system. Parents were either non-literate, didn't speak English or spoke very little English. That prevents them from assisting children with homework. Parents are ashamed of their poor English skills and their socio-economic situation; 80% of our clients are receiving public assistance. The children are ashamed of their parents' inability to communicate and they don't want them to meet the teachers. Parents are afraid that they'll not be able to address the children's problems. They think the children are doing well in school because they speak English.

If the school alienates one refugee family, it leads to the alienation of all the families in that school. Teachers generally have no working experience with refugee and immigrant children. They lack the cultural sensitivity. Not understanding the background, history or culture of students leads to misinterpretation of certain actions, such as with the Cambodians' "coining and cupping." "Coining" is the process where, if they're sick, they rub the skin and it becomes all red. The kids would come in with all these marks all over them. The teachers didn't know what to do. Quite frankly, when I saw it, I didn't know either. The teachers and others may not give positive reinforcement to the children, who already have low self-esteem and inferiority complexes. The evaluation and tests given by the school may not be complete or accurate, due to the lack of information. Sometimes information on the families is necessary. The children lack that knowledge; the parents have communication problems.

Special education is not readily available due to the unavailability of testing instruments and appropriate personnel. The schools have competence-based testing, and the children are able to pass the competence-based tests, but the standardized tests are grammar-based, and this is where the children fail. They're not promoted or they're put into ESL classes and they stay there for a couple of years. Often children perform poorly in school due to lack of education in the homeland and their inability to cope with past traumatic experiences. Some children don't eat lunch at school because they're harassed so much by the students; this leads to increased absenteeism. The children want to go to school, but their parents pressure them to work. Learning disabilities are not diagnosed, so the children are frustrated by their failures, and they drop out. They have few American friends. There's stress in the home. Our youth program is addressing the problems mentioned above and, most importantly, the program is developing links with the local schools. Guidance counselors and teachers are now referring students to CAMBA. Our staff is scheduled to give sensitivity talks to school assemblies at three of our local schools. We have made presentations at parent association meetings, talking to parents from different ethnic groups about the children that we deal with - mainly Southeast Asian.

It's very important that the community-based organizations be recognized. We work with the parents day in and day out. We're in their homes on a daily basis. We can talk to them; they trust us and they'll talk to us. The school system is something that they do not understand. Because they cannot speak English, they're not really willing to go up to the school and find out what the problem is or how the system works or what they're to do. I think it's important for the Board of Education to realize that the agencies are in the community. We are willing to help you. We're there.

CO-CHAIRPERSON LUIS MIRANDA: I want to thank all of the speakers, the panelists and the public. We may disagree or agree with some of the speakers. We're all going to have our own opinions. However, our horizon regarding the educational needs of immigrant children has definitely been broadened. The factual information presented by many speakers has provided a context in which the problems occur. Program interventions have been explained. Appointed officials have spoken about what agencies are doing to deal with the problem. The fact is that a lot remains to be done. This hearing serves to highlight the educational plight of immigrant children and their parents. Advocates for Children will continue to use our human and financial resources to work with public school children, primarily those who need us the most. Leave this hearing not depressed because of what we have heard in terms of the needs of immigrant children, but energized to do more. Thank you very much.

HEARING PANEL AND WITNESSES

NEW YORK HEARING PANEL

Eddy Bayardelle
Director, Center for Language Minority
Education, Bank Street College,
Manhattan, NY

Elizabeth Bogen
Director, Office of Immigrant Affairs
City of New York

Marilyn Braveman
National Education Director, American
Jewish Committee, Manhattan, NY

Bruce Bushart
State Language Coordinator, Department of
Social Services, State of New York

Diana Caballero
Director, Puerto Rican/Latino Education
Roundtable, Manhattan, NY

Edith Cruz
Education Department, State of New York

Sister Camille D'Arienzo
Associate Professor, Brooklyn College, NY

Father Francisco T. Dominguez
Director, Office for Immigrant Services
Catholic Chartities, Archdiocese of New York

Joseph Etienne
Executive Director, Haitian Centers Council
Brooklyn, NY

Luis Fernandez
Reporter, *La Prensa* and *El Diario*, NY

Dolores B. Frazer
Director of Planning and Program
Development, Division for Youth, Planning
and Development, State of New York

Adriana Garcia de Aldrige, Ph.D.
Acting President, Hostos Community
College, Bronx, NY

David Jones
Executive Director, Community Service
Society, Manhattan, NY

Ronald Jones
Special Representative for Educational
Programs, United Federation of Teachers,
Manhattan, NY

Darlene Kalke
Director, Center for Immigrant Rights,
Manhattan, NY

Guillermo Linares
President, Chancellor's Commission on
Bilingual Education, Brooklyn,NY

Herminio Martinez, Ph.D.
Director, Division of Training and Evaluation
of School Services, Institute for Urban and Minority
Education, Teachers College,
Manhattan, NY

Stanley Michels
Manhattan Representative, New York
City Council, Manhattan, NY

Luis A. Miranda
Director of Research, NACME, Inc.,
Manhattan, NY

Colin Moore, Esq.
Past President, Caribbean Action Lobby,
Brooklyn, NY

Anne B. Morse
Education Assistant, Office of the Borough
President, Queens, NY

Gladys Murillo
Director, Central American Refugee
Committee, Hempstead, NY

Michael Posner, Esq.
Lawyers Committee for International Human
Rights, Manhattan, NY

Nathan Quinones
Former Chancellor, Board of Education,
Brooklyn, NY

Sophie Sa
Executive Director, Matsushita Foundation,
Secaucus, NJ

Yang Sam
Southeast Asian Mutual Assistance
Association Coalition, Inc. Philadelphia, PA

Marian Schwarz
Coordinator, Youth Services Division
Office of the Mayor, City of New York

Emanuel Tobier
Professor, New York University,
Manhattan, NY

Charles Wang
Executive Director, Chinatown Planning
Council, Manhattan, NY

WITNESSES AT NEW YORK PUBLIC HEARING

Daniel Abreu
Teacher, I.S. 143/District 6, Manhattan, NY

Luisa Acosta
Former Student, I.S. 143, Manhattan, NY

Loyda Alfalla
Superintendent, Community School District 6,
Manhattan, NY

Garth Alperstein, M.D.
Pediatrician, Manhattan, NY

Ramon Amonte
Student, I.S. 143, Manhattan, NY

Rita Barrish
Director of Education Planning, Department
of City Planning, Manhattan, NY

Eddy Bayardelle
Director, Center for Language Minority
Education, Bank Street College,
Manhattan, NY

Robert Blumenthal
Assistant to the Borough President,
Brooklyn, NY

Elizabeth Bogen
Director, Office of Immigrant Affairs,
Manhattan, NY

Dorothy Burke
President, Community School Board 17,
Brooklyn, NY

Yva Cantave
Parent, District 19, Brooklyn, NY

May Ying Chen
Legal Assistant, Immigration Project
International Ladies Garment Workers Union
(ILGWU), Manhattan, NY

Joanna Chmiel
Director, Project Pride, Manhattan, NY

Lydia Cordoba
Parent, Manhattan, NY

Evelyn Davila
Director, National Hispanic Scholar Awards
Program, The College Entrance Examination
Board, Manhattan, NY

Archer Dong, Ph.D.
Principal, I.S. 131, Manhattan, NY

Monica Gordon, Ph.D.
Caribbean Research Center, Medgar Evers
College, Brooklyn, NY

Patricia Gray
Director, Chinatown Community Project
in Education, Inc./Asian Children's Underground,
Manhattan, NY

Arthur C. Helton, Esq.
Political Asylum Project, Lawyers Committee
for International Human Rights,
Manhattan, NY

Joseph Hian
Vietnamese Refugee Center, Manhattan, NY

Don Kao
Counselor, Project Reach, Manhattan, NY

Karen Shaw Kerpen, Ph.D.
Refugee/Entrant Assistance Program,
Department of Social Services,
State of New York

Diana Rivera La Llave
Case Advocate, El Puente, Brooklyn, NY

Evelyn Linares
President, Community Association of
Progressive Dominicans, Inc., Manhattan, NY

Connie Ling
Parent, District 2, Manhattan, NY

Giovanni Lopez
Paraprofessional, P.S. 198, Manhattan, NY

Carmen Lozano
Student, Brandeis High School,
Manhattan, NY

Roger Juan Maldonado, Esq.
Housing Law Unit, South Brooklyn Legal
Services, Brooklyn, NY

Herman Montoya
Psychiatric Social Worker, Bronx Lebanon
Hospital, Bronx, NY

Ricardo Mora
Former Student, I.S. 143, Manhattan, NY

Eric Nadelstern
Assistant Principal, International High
School, Queens, NY

Joanne Oplustil
Executive Director, Church Avenue
Merchants Block Association, Brooklyn, NY

Maria Ortiz
Parent, District 16, Manhattan, NY

Eli Plotkin
Program Manager, High School Bilingual/
ESL Unit, Board of Education,
Brooklyn, NY

Luis Reyes, Ph.D.
Education Director, ASPIRA, Bronx, NY

Pedro Rodriguez, M.D.
Medical Director, James Weldon Johnson
Counseling Center, Manhattan, NY

Ana Rosel, Ph.D.
Director, Office of Bilingual Services
Division of Special Education, Board of
Education, Brooklyn, NY

Maryse Roumain
Director, Center for Haitian Child
Development, City College of New York
Manhattan, NY

Janice Silber
Case Advocate, Advocates for Children of
New York, Queens, NY

Gary Rubin
Director of Programs, American Jewish
Committee, Manhattan, NY

Jean Sotirakis
Director, Hellenic American Neighborhood
Action Committee, Child and Family
Counseling Service, Queens, NY

Nilda Soto-Ruiz
Director, Office of Bilingual Education,
Board of Education, Brooklyn, NY

Allan Wernick, Esq.
Hostos Community College, Bronx, NY

Robin Willner
Educational Priorities Panel, Manhattan, NY

Nu Nu Win
Parent, Queens, NY

Haydee Zambrana
Executive Director, Concerned Citizens
of Queens, Queens, NY

APPENDIXES

APPENDIX A

CHANCELLOR'S MEMORANDUM NO. 46, 1987-88 June 14, 1988

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF THE CHANCELLOR

TO: COMMUNITY SCHOOL BOARD PRESIDENTS, ALL SUPERINTENDENTS
EXECUTIVE DIRECTORS AND HEADS OF OFFICES, AND
PRINCIPALS OF ALL DAY SCHOOLS

FROM: Richard R. Green
Chancellor

SUBJECT: Admission to School of Immigrant Students

Introduction

The May, 1988 deadline for applying for legalization under the Immigration Reform and Control Act has passed. Many questions exist regarding its impact. However, please be aware that the new law will not change the rights of undocumented students to free public education. The 1982 U.S. Supreme Court ruling in Plyler v. Doe that students have the right to public education without regard to the immigration status of the student or the parent still stands.

Guidelines

All students seeking entrance into the public schools are to be admitted provided all requirements of Chancellor's Regulations A-110 (Admission to Prekindergarten, Kindergarten and First Grade, August 16, 1983) and/or A-120 (Admission to High School, March 18, 1982) are met. The immigration status of the student or parent will not be a criterion for admission.

Chancellor's Regulation A-145 (Admission of Alien and Foreign-born Students, October 1, 1979) clarifies the rights of alien and foreign born students to a public education. The Regulation states that "the monitoring of the immigration status of a child or parent is not the proper function of the New York City Board of Education." In that context, any questions from outside agencies regarding these students should be referred to the Office of Legal Affairs, (718) 935-3636. Schools are directed to continue to apply Chancellor's Regulation No. A-820 (Student Records: Access and Disclosure, November 1, 1979) to comply with requests for personal information about specific children.

Attached is an open letter, in several languages, to parents regarding their children's right to free public education. It is requested that every effort be made to disseminate the letter to all parents. Translations in other languages may be requested from the Office of Bilingual Education, (718) 935-3891.

Thank you for your assistance in this matter. Any questions regarding this memorandum, requirements for admission to school, or the Attachment should be addressed to Joshua Marquez, (718) 935-2681.

RRG:bm
Attachments

BEST COPY AVAILABLE

AN OPEN LETTER TO IMMIGRANT PARENTS

I want to welcome all of you [illegible] our schools. We're glad you're here. Your children, starting from 5 years of age have a right to a free public education. The school does not want to know the immigration status of your family. The school will not ask you for a "green card." And, your children may attend public school free until they are 21 or receive a diploma, whichever comes first.

Your family has other rights too:

*RIGHT TO MEDICAL TREATMENT - Publicly funded hospitals are required to provide emergency medical services regardless of the patient's immigration status.

*RIGHT TO REFUSE ENTRY INTO YOUR HOME - You have the right to refuse to allow an immigration agent into your home unless the agent has a valid warrant, signed by a judge. But be aware that you may lose a benefit if the investigation is to verify your eligibility for a benefit. Find out why he/she is at your door. If the agent demands to see documents when entering your home with a warrant, the warrant must list the documents that should be shown.

*RIGHT TO REMAIN SILENT - If you are stopped on the street by an immigration or police officer, you should give your name but you have the right to remain silent about your immigration status or involvement in any crime. There is no need to show any documents. If you are arrested, you should insist on speaking to an attorney. (The INS will provide you with a list of organizations that may provide you an attorney.)

*RIGHT TO REFUSE TO SIGN ANY DOCUMENTS - You should not sign your name to any document offered by the INS without first speaking to an attorney. By signing a document, you may be giving up certain rights, or be agreeing to return to your country of origin.

*RIGHT TO CITY SERVICES - In 1985, the Mayor issued a memo stating that city employees were not to inform INS of the immigration status of any persons seeking city services. You have a right to police and fire protection and help with consumer fraud and landlord abuses.

REMEMBER, ALL CHILDREN ARE WELCOME IN OUR SCHOOLS. WE WILL NOT ASK YOU ABOUT YOUR IMMIGRATION STATUS. THAT IS OUR POLICY. THAT IS OUR PROMISE.

NOTE: The above letter to parents was translated into six languages.

APPENDIX B

CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK

Regulation of the Chancellor

Category: STUDENTS

No.: A-145

Subject: Immigrant Students, Documented and Undocumented

Page: 1 of 4

Issued: 1/9/89

ABSTRACT

This Regulation supersedes Chancellor's Regulation A-145 (Admission of Alien and Foreign-Born Students, dated October 1, 1979), and reinforces the policy that the monitoring of the immigration status of a child or parent is not a proper function of the New York City Board of Education. It also provides guidelines that will help schools develop a coordinated school plan to address the needs of our growing immigrant population.

All children are to be admitted to New York City Public schools, without regard to their immigration status or the immigration status of their parents, provided that they have met all requirements of Chancellor's Regulation A-110 and/or A-120.

Reference to a child's or parent's immigration status is not to appear on any school forms and/or records.

INTRODUCTION

On November 6, 1986, the President signed into law the Simpson-Rodino legislation entitled the Immigration Reform and Control Act (IRCA). This act allows certain undocumented aliens to acquire legal status (amnesty), provided specified requirements are met. The law also contains employer sanctions and employment-related anti-discrimination provisions which affect documented and undocumented immigrants as well as U.S. citizens. Although there was amnesty, great numbers of persons have not applied and/or do not qualify.

New York City has a tremendous and growing number of immigrants, documented and undocumented. They bring to our city their energy, vitality, ambition, and cultural and linguistic diversity. However, immigrant children often experience unique difficulties that can affect their ability to succeed: culture shock, language barrier, unfamiliarity with the New York City school system, grief over separation of family, stress related to immigration status, etc.

In addition to these difficulties, there are ramifications of the Immigration Reform and Control Act on family life that will impact on our schools. Among them are:

1. confusion about medical care and services available for undocumented children and their families resulting in their not availing themselves of services or in institutions wrongfully denying services.
2. difficulties of adolescents in obtaining required documentation, in seeking employment, or participating in work study and other educational programs, e.g., School to Employment Program, Cooperative Education, Summer Youth Employment Program.
3. employment-related discrimination resulting in students and their families having difficulties obtaining and maintaining employment.
4. employment-related abuses of undocumented families resulting in increased stress for the student and family.

The Board of Education has a responsibility to provide the necessary support services to enable these students to have a positive educational experience. Toward that end:

1. Each superintendent is asked to assign a designee on immigrant affairs. The designee will:
   - act as liaison with principals in matters related to immigrant students, both documented and undocumented.
   - coordinate district wide efforts.
   - monitor school based plans.
   - provide district wide staff development.

Category: STUDENTS

No.: A-145

Subject: Immigrant Students, Documented and Undocumented

Page: 3 of 4

Issued: 1/9/89

2. Each principal should designate one person to act as liaison on immigrant affairs to the superintendent's office. The designee will:

    - work with school committees (e.g. CSIP) to ensure that the needs of these students are met.
    - serve as an ombudsperson to immigrant students and their families.
    - facilitate the implementation of strategies to ease the transition of immigrant children.
    - work with admissions and guidance staff to initiate intervention services.
    - serve as a resource for other staff and the community.
    - attend citywide training on immigration law, resources and multicultural issues.
    - monitor program progress

3. Schools with immigrant students must ensure that the needs of these students are reflected in all school based planning, including:

    - identifying appropriate support services, resources and referral mechanisms and ensure the dissemination of this information to students and parents in the students' home language.
    - providing for parental involvement.
    - establishing linkages with community based organizations that have experience in the delivery of immigration services.

Regulation of the Chancellor

Category: STUDENTS
No.: A-145
Subject: Immigrant Students, Documented and Undocumented
Page: 4 of 4
Issued: 1/9/89

Questions related to this Regulation should be referred to the appropriate office listed below:

Director
Office of Guidance and Student Development
362 Schermerhorn Street
Brooklyn, NY 11217

Tel. (718) 935-4121

Director
Office of Access and Compliance
Division of High Schools
110 Livingston Street
Brooklyn, NY 11201

Tel. (718) 935-3415

Director
Office of Bilingual Education
131 Livingston Street
Brooklyn, NY 11201

Tel. (718) 935-3891

Administrator
Office of Alternative Services
Division of Special Education
110 Livingston Street
Brooklyn, NY 11201

Tel. (718) 935-3578

Deputy Director
Office of Adult and Continuing Education
347 Baltic Street
Brooklyn, NY 11201

Tel. (718) 935-4369

APPENDIX C

IMMIGRANT STUDENTS: THEIR NEEDS AND LEGAL RIGHTS

Training Conference

Tuesday, May 23, 1989
Association of the Bar of the City of New York
42 West 44 Street
New York City

Sponsored by:
Board of Education of the City of New York
Association of the Bar of the City of New York
Advocates for Children of New York, Inc.
New York City Office of Immigrant Affairs

PROGRAM SCHEDULE

8:30-9:00 REGISTRATION

9:00-10:00 PLENARY

Carol M. Poteat
Office of the Deputy Chancellor for Instruction and Development
Board of Education of the City of New York

Laurie B. Milder, Esq.
Community Outreach Law Program
Association of the Bar of the City of New York

Kathy Jarvis
Advocates for Children of New York, Inc.

Celebrating Diversity
Dolores M. Fernandez, Ph.D.
Deputy Chancellor for Instruction and Development
Board of Education of the City of New York

Who and Where Are New York City's Immigrants?
Elizabeth Bogen
Frank Vardy
Department of City Planning

The Immigrant Experience
Henry Frank, Ph.D.
Haitian Neighborhood Service Center

Overview of Immigration Law
Allan Wernick, Esq.
Chair, Committee on Immigration and Nationality Law
Association of the Bar of the City of New York

National Perspective
John Willshire-Carrera, Esq.
National Coalition of Advocates for Students

10:00-10:30 QUESTIONS AND ANSWERS

10:30-10:45 BREAK

10:45-12:15 WORKSHOPS

These workshops will examine issues involving immigrant students through the use of case studies.

WORKSHOP I - CHOATE ROOM

Facilitators

Jacqueline Charity - introduction
Division of High Schools, Board of Education

Margaret McManus, Esq.
Committee on Immigration and Nationality Law*

Marie Ange Bell
Haitian Centers Council

Haydee Zambrana
Concerned Citizens of Queens

Leslie Korngold, Esq.
Office of Legal Services, Board of Education

David Chen
Chinese-American Planning Council

WORKSHOP II - CARTER ROOM

Facilitators

Joshua Marquez - introduction
Office of Student Advocacy, Board of Education

Allen E. Kaye, Esq.
Committee on Immigration and Nationality Law*

Sr. Eileen McCann
Southside Community Mission

May Ying Chen
I.L.G.W.U., Local 23-25

Henry Frank, Ph.D.
Haitian Neighborhood Service Center

Deborah Jefferson
CUNY, Office of Admission Services

WORKSHOP III - TWEED ROOM

Facilitators

John Acompore - introduction
Division of Multilingual and Multicultural Education
Board of Education

Martha-Louise Parmalee, Esq.
Committee on Immigration and Nationality Law*

Guillermo Linares
Community Association of Progressive Dominicans

Grace Lyu-Volckhausen
Consultant, National YWCA

Hailu Kebede
New York City Office of Immigrant Affairs

WORKSHOP IV - EVARTS ROOM

Facilitators

Evelyn Kalibala - introduction
Division of Multilingual and Multicultural Education
Board of Education

Robert Washington, Esq.
Committee on Immigration and Nationality Law*

Joanne M. Oplustil
Church Avenue Merchants Block Assn., Inc.

Joe Buttigieg
Immigrant and Refugee Services,
Catholic Charities

Shirley Lung, Esq.
Center for Immigrants Rights

William Joyce, Esq.
Office of Legal Services, Board of Education

12:15-12:30 BREAK

12:30-1:30 SUMMATION - Discussion of major issues

Audience reaction
Planning follow-up

---

* *Association of the Bar of the City of New York*

Additional information may be obtained by calling the following offices:

Director
Office of Guidance
and Student Development
362 Schermerhorn Street
Brooklyn, New York 11217

Telephone: (718) 935-4121

Director
Division of Multilingual and
Multicultural Education
131 Livingston Street
Brooklyn, New York 11201

Telephone: (718) 935-3891

Director
Office of Access and Compliance
Division of High Schools
110 Livingston Street
Brooklyn, New York 11201

Telephone: (718) 935-3415

Administrator
Office of Alternative Service Programs
Division of Special Education
110 Livingston Street
Brooklyn, New York 11201

Telephone: (718) 935-3578

Deputy Director
Office of Adult and Continuing Education
347 Baltic Street
Brooklyn, New York 11201

Telephone: (718) 935-4369

CHANCELLOR'S COMMITTEE ON IMMIGRANT AFFAIRS

Carol M. Poteat, Chair
Office of the Deputy Chancellor for Instruction and Development
Board of Education of the City of New York

John Acompore, Division of Multilingual/ Multicultural Education, Board of Education
Elizabeth Aivars, Esq., New York City Community Development Agency
Marie Ange Bell, Haitian Centers Council
Harriet Bogard, New York Regional Office, Anti-Defamation League
Elizabeth Bogen, New York City Office of Immigrant Affairs
Effie Bynum, High School Division, Board of Education
Michael Catanzaro, High School Bilingual/ ESL Office, Board of Education
Cristina Casanova, Office of Student Guidance, Board of Education
Jacqueline Charity, High School Division, Board of Education
May Ying Chen, International Ladies Garment Workers Union
Irma Godlin, Office of Alternative Service Programs, Board of Education
David K. Hepinstall, Office of Planning, Board of Education
Kathy Jarvis, Advocates for Children of New York, Inc.
Evelyn Kalibala, Division of Multilingual/ Multicultural Education, Board of Education
Joshua Marquez, Office of Student Advocacy, Board of Education
Laurie B. Milder, Esq., Association of the Bar of the City of New York
Joanne M. Oplustil, Church Avenue Merchants Block Association, Inc.
Carolyn Williams, Office of Adult Education, Board of Education

Special thanks to the Community Outreach Law Program of the Association of the Bar of the City of New York for hosting this training conference.

NCAS

100 Boylston Street, Suite 737, Boston, MA 02116 (617) 357-8507

APPENDIX D

SCHOOL OPENING ALERT

IMMIGRANT STUDENTS' RIGHT OF ACCESS

The U.S. Supreme Court has ruled in *Plyler v. Doe* (1982)[1] that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents.[2]

Public schools are prohibited from:

- denying undocumented students admission to school on the basis of their undocumented status during initial enrollment or at any other time;
- treating undocumented students disparately on the basis of their undocumented status to determine residency;
- engaging in practices which may "chill" the right of access to public schools as established by *Plyler v. Doe*;

Public schools are prohibited at any time from:

- requiring students or parents to disclose or document their immigration status;
- making inquiries of students or parents which may expose their undocumented status;[3]
- requiring social security numbers of all students, as it may expose the undocumented status of students or parents.[4]

If a child's school file should contain information exposing the student's undocumented status, the Family Educational Rights and Privacy Act (FERPA) and various state privacy acts **prohibit** schools from providing any outside agency--**including the Immigration and Naturalization Service**--with such information without first acquiring permission from the student's parents.[5]

In summary, public schools and their personnel are prohibited under *Plyler v. Doe* from adopting policies or taking actions which either deny or result in the denial of access by undocumented students to public schools on the basis of their undocumented status. Additionally, school personnel--especially building principals and those involved with student intake activities--should be informed by the superintendent that they are under no legal obligation to enforce U.S. immigration laws.

Regulations issued by the Chancellor's Office of the New York City public schools state: "...the monitoring of the immigration status of a child or parent is not the proper function of the New York City Board of Education." The regulations direct all school personnel to refer any such questions from outside agencies to the school system's Office of Legal Affairs.

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1. 457 U.S. 202 (1982).

2. In addition to this right, undocumented students have an obligation under state law, as do all other students, to attend primary and secondary schools until they reach a mandated age.

3. In *New Voices: Immigrant Students in U.S. Public Schools*, NCAS documented the lack of comprehensive data on immigrant students. Such data is needed to monitor academic development, to plan curriculum and teaching strategies, and to advocate on behalf of immigrant students. See *Immigrant Students: Their Legal Right of Access to Public Schools* (NCAS, 1989) for guidance on data collection procedures and safeguards.

4. Students without social security numbers should be assigned a number generated by the school. Adults without social security numbers who are making application on behalf of a student for a free lunch and/or breakfast program need only indicate on the application that they do not have a social security number.

5. Even the act of requesting permission of undocumented parents may have the affect of "chilling" the student's *Plyler* right of access and, thus, constitute a prohibited practice.

BEST COPY AVAILABLE

APPENDIX E

WORKSHOP ON IMMIGRANTS RIGHTS

Tuesday, April 25th
6:30 p.m. to 8:00 p.m.

P. S. 124
40 Division Street
New York City, NY
Room 219

HOW DOES THE IMMIGRATION LAW AFFECT YOU AND YOUR CHILDREN? AS IMMIGRANTS, WHAT ARE YOUR RIGHTS REGARDING:

1. employment
2. housing
3. health care
4. education

FRAN BERGER, immigration attorney, and **WINNIE CHAN**, Cantonese translator and paralegal, will answer all your questions. They appear through the courtesy of the Community Outreach Law Program of the Association of the Bar of the City of New York.

COME AND BRING YOUR FRIENDS!

Sponsored by:
Advocates for Children of NY
24-16 Bridge Plaza South
Long Island City, NY 11101

REFRESHMENTS

(THIS FLYER WAS TRANSLATED INTO CANTONESE.)

CONFERENCIA SOBRE LOS DERECHOS DE LOS INMIGRANTES

MARTES 28 de FEBRERO, 1989
6 p.m. - 8 p.m.
en
LA IGLESIA EPISCOPAL HOLYROOD
esquina de la calle 179 y avenida Fort Washington
(entrada por avenida Fort Washington)

COMO LA LEY DE INMIGRACION AFECTA A VD. Y A SUS HIJOS? COMO INMIGRANTES, CUALES SON SUS DERECHOS A:

1. empleo
2. vivienda
3. cuidado médico
4. educación

MARGARET McMANUS, Esq., una abogada de Community Outreach Law Program of the Association of The Bar of the City of New York, contestará sus preguntas en espanol.

VENGA Y TRAIGA A UN AMIGO! ! ?

Patrocinado por: Defensores de los Niños
24-16 Bridge Plaza South
Long Island City, New York 11101

AFC TESTIMONY

In November 1988, Advocates for Children was invited to present testimony at a hearing conducted by the Commission on Human Rights of the City of New York. The purpose of the hearing was to examine the "extent of discrimination in New York City against immigrants and aliens or persons perceived as immigrants or aliens."

Excerpts of our testimony are presented below:

At Advocates for Children we're "dedicated to the protection of every young person's right to an education." That means special education children, homeless children, mainstream children who have been suspended or have dropped out of school and immigrant children -- whether they are documented or undocumented. Today I'm here to speak about undocumented immigrant children and to share what we've learned in our work on their behalf.

First the numbers. The Mayor's Office has estimated that there are between 400,000 and 750,000 undocumented people living in the city. According to the Columbia University Center for the Social Sciences, "roughly 18% or 46,000 of the city's undocumented population after May 4, 1988 will be children between the ages of 5 and 16."

Last year, Advocates for Children brought advocacy organizations together with the Board of Education in an effort to work on issues relating to immigrant children and their families. Since that time, the Chancellor has issued Memorandum #46 which reiterates the 1982 Plyler v. Doe Supreme Court decision (which says that all children have the right to free public education regardless of their immigration status) as well as the Chancellor's Regulation of 1979: "The monitoring of the immigration status of a child or parent is not a proper function of the NYC Board of Education." This group has also produced a regulation to be signed by the Chancellor which sets up liaisons in each school district to address the particular needs of immigrant children and their families.

We know that outreach to immigrant parents is critical so they are aware that their children have an absolute right to a public education whatever their status. We don't want to see another case like that of one immigrant mother who had not registered her severely handicapped child in school until 3 years after their arrival in the U.S. Why had she waited so long? Because a neighbor had told her there was a mandatory 3 year waiting period before immigrants could enroll in school.

Even though the Supreme Court and the Board of Education assure immigrant children the right to an education, very often, in practice, immigrant families do not receive a warm welcome at the school door. We're working on instituting workshops to train about the immigration law and to sensitize school personnel. They must understand that, for undocumented persons coming from repressive *regimes, school represents authority and government. Quite understandably the parents want to stay as far away as possible. According to Columbia University's Center for the Social Sciences, "because of the employer sanctions and increased enforcement provisions of the Immigration Reform and Control Act of 1986, undocumented immigrants can be expected, more than ever before, to become increasingly wary of public exposure that they fear could lead to their own or their families' deportation. This fear is likely to affect adversely parents' attempts to enroll their children in public schools."*

According to pediatrician Garth Alperstein who presented expert testimony at the AFC-sponsored Hearing on the Status of Immigrant Children in the New York City Public Schools, "We have seen children 8, 9 and 10 years old who've been brought in for whatever reason to a clinic and we've discovered they aren't in school...because the parents are afraid that they'll be reported to the INS."

Undocumented parents are not only fearful of education institutions but of other institutions as well. Again, according to Dr. Alperstein, "We've seen children who are...sent in by the school at the age of 6 when they've gone to register who've lived here for 5 years but haven't had even one immunization for fear, once again, of being reported to the INS."

It is critical for school personnel to understand the tremendous stresses that many immigrants -- children and parents -- experience. Allow me to tell you of a telephone call we received at AFC last year. It came from a Queens guidance counselor who asked us for advice on how to work with a little 8-year-old girl from El Salvador. According to the counselor, the girl was clearly very bright but was having a very hard time. She was despondent and had problems dealing with her peers. It turned out that she had come to the United States the previous year after seeing her father shot dead before her eyes in El Salvador. The guidance counselor sought our guidance in working with the little one. We referred her to a psychologist specializing in working with children from war-torn countries. Another expert witness at our hearing, psychiatrist Pedro Rodriguez, discussed the depression and anxiety suffered by these children. "We think the persistence of depression and anxiety in these children is due to the peculiar situation of the Central American immigrant which is the condition of being illegal which means that they could be identified or they could be captured and they could be sent back to their native countries where they will find again the same conditions of violence and repression."

The advocacy community can work with the Board of Education to develop all kinds of outreach programs to immigrant parents, all kinds of programs to sensitize school personnel to issues for immigrant children, all kinds of multicultural programs for children. All of these are absolutely critical. But what can we do for children whose parents are forbidden by our immigration law to work? What can we do for older children who need to work but cannot because they can't get social security numbers because they're undocumented?

What's going to happen is easily predicted. Immigrants are not, for the most part, going back to their countries of origin. They're going to stay here because the U.S. has always represented hope for themselves and for their children. If they are undocumented but had jobs before Nov. 1986 and are thereby covered by the "grandfather clause" of the law, they are literally locked into those jobs. In many cases they are forced to put up with long hours and dangerous working conditions. They cannot leave those jobs because they cannot, by law, get other ones. And those without jobs still need money. Children of these families still need money. We know from speaking with families that many are hungry. "First feed the face;then talk right and wrong," writer Bertold Brecht cautioned us.

Is there no recourse for them but to join an underground economy?

***

Education advocates work to protect children. The best way to protect them is to protect their families. We believe that all people must be able to work and work at decent wages. We believe that alienage must be added as a protected class in our Human Rights Law. It's the only way to protect all our children.

APPENDIX G

ADVOCATES FOR CHILDREN
of New York, Inc.
24-16 Bridge Plaza South
Long Island City, N.Y. 11101

(718) 729-8866

Norma Rollins
Executive Director

June 9, 1989

Dear College Advisor:

We know that you'll be interested in the enclosed letter from Mayor Ed Koch indicating a change in CUNY policy allowing undocumented immigrants to pay resident tuition.

You will certainly agree with us that this is an important change in policy. Please see that this information is passed on to the students who need to know about it.

Sincerely,

Kathy Jarvis

Kathy Jarvis
Coordinator
Immigrant Students Project

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

May 11, 1989

Chancellor Joseph Murphy
The City University of
New York
535 East 80th Street
New York, New York 10021

Dear Joe:

A few weeks ago a group of leaders of the Irish community met with Diane Coffey, other members of my staff and representatives of city agencies to discuss issues of concern to the Irish community. One of the issues raised during that meeting was the CUNY policy of charging undocumented immigrants the same rate as that charged to out-of-state residents. Because the nonresident tuition rate is much higher, this policy discourages undocumented immigrants who have lived in New York City for many years from pursuing their college education. We agreed to discuss this policy with the appropriate people at CUNY.

I have just been informed of Jay Hershenson's letter of yesterday stating that, as of September 1989, CUNY will charge resident tuition to undocumented immigrants who can prove their residence in New York City or State and who can submit a statement of their intention to maintain permanent residence here.

I am writing to express my appreciation for your willingness to look into this question and to make a speedy decision that recognizes the unique situation of undocumented immigrants in this City. My general approach on this question has been very straightforward -- undocumented immigrants should have equal access to the essential services provided by our government. By extending equal access to the educational services provided by CUNY, you have opened up new opportunities for this segment of our population.

All the best.

Sincerely,

Ed Koch

Edward I. Koch
MAYOR

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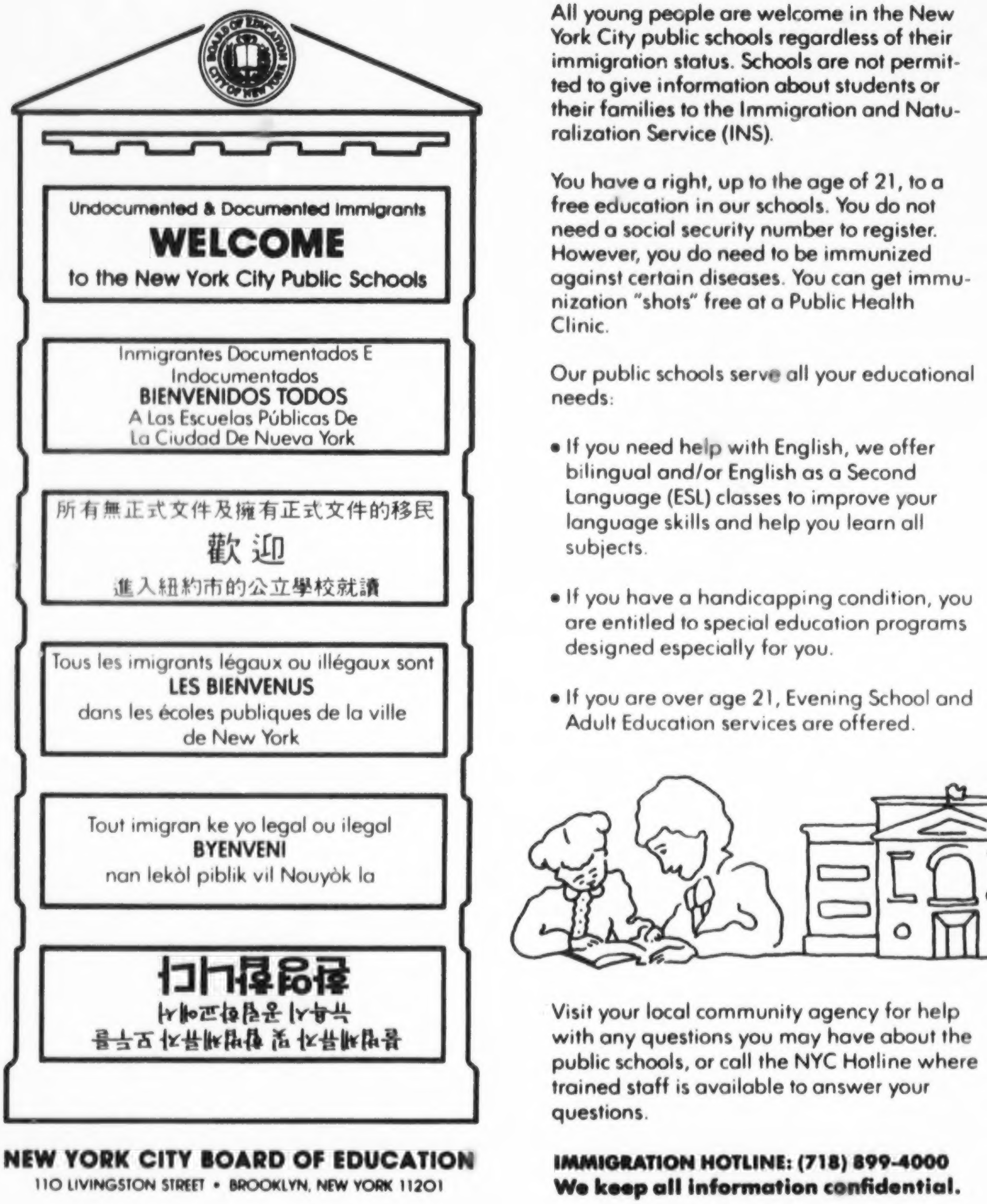
APPENDIX H



Undocumented & Documented Immigrants

WELCOME

to the New York City Public Schools

Inmigrantes Documentados E Indocumentados

BIENVENIDOS TODOS

A Las Escuelas Públicas De La Ciudad De Nueva York

所有無正式文件及擁有正式文件的移民

歡迎

進入紐約市的公立學校就讀

Tous les imigrants légaux ou illégaux sont

LES BIENVENUS

dans les écoles publiques de la ville de New York

Tout imigran ke yo legal ou ilegal

BYENVENI

nan lekòl piblik vil Nouyòk la

불법체류자 및 합법체류자 모두를

뉴욕시 공립학교에서

환영합니다

NEW YORK CITY BOARD OF EDUCATION

110 LIVINGSTON STREET • BROOKLYN, NEW YORK 11201

All young people are welcome in the New York City public schools regardless of their immigration status. Schools are not permitted to give information about students or their families to the Immigration and Naturalization Service (INS).

You have a right, up to the age of 21, to a free education in our schools. You do not need a social security number to register. However, you do need to be immunized against certain diseases. You can get immunization "shots" free at a Public Health Clinic.

Our public schools serve all your educational needs:

- If you need help with English, we offer bilingual and/or English as a Second Language (ESL) classes to improve your language skills and help you learn all subjects.
- If you have a handicapping condition, you are entitled to special education programs designed especially for you.
- If you are over age 21, Evening School and Adult Education services are offered.

Visit your local community agency for help with any questions you may have about the public schools, or call the NYC Hotline where trained staff is available to answer your questions.

IMMIGRATION HOTLINE: (718) 899-4000
We keep all information confidential.

This flyer was translated into six languages and distributed throughout the city.